

Tender Specifications

Attached to the Invitation to tender

Invitation to tender No. EMSA/NEG/12/2023 for Purchase, maintenance and repair of parasols

1. Introduction

The European Maritime Safety Agency (EMSA) was established under Regulation (EC) No 1406/2002 of the European Parliament and of the Council¹ for the purpose of ensuring a high, uniform and effective level of maritime safety.

Article 15(2c) of Regulation 1406/2002 establishes that the Executive Director “shall take all necessary steps (...) to ensure the functioning of the Agency in accordance with provisions of this Regulation”. In order to fulfil its tasks, the Agency must assure the proper functioning of its building, including equipment.

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 tenders.

2. Objective, scope and description of the contract

The objective of the tender is to establish a Framework Contract for the purchase of parasols with a durable quality and adapted to aggressive weather conditions, according to the following technical specifications:

- a) Area of coverage of each parasol: approximately 16.00 m² for model 1, and 8.00 m² for model 2, accepting a variation of 7% of the area bigger/smaller.
- b) The parasols shall offer protection against UV rays (minimum UPF 50) and a high degree of light fastness.
- c) The structural and supporting elements shall have adequate resistance to oxidation and extreme weather according to market standard (ex. aluminium).
- d) The parasols shall be free-standing without any need for anchoring in the surface of the terrace, with a flat base not above 30mm.
- e) The parasols shall withstand wind speeds of at least 70 km/h.
- f) The parasols shall have a protective cover to protect from adverse weather conditions.

The contractor shall also provide corrective maintenance services to address any defects or damages detected in the existing parasols and the ones purchased under the contract, in order to render them fully

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.).

functional. Maintenance shall be based on quotations and include the supply and replacement of spare parts used for repairs (e.g., parasol fabric), labour work and transportation costs.

3. Contract management responsible body

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

4. Timetable

The estimated date for signature of the contract is October 2023.

5. Estimated Value of the Contract

The maximum budget available for this contract is EUR 60,000.00 excluding VAT.

6. Terms of payment

Payments will be made in accordance with the provisions of the draft **Framework Supply Contract** available in the Procurement Section under the call to tender **EMSA/NEG/12/2023** on EMSA's website (www.emsa.europa.eu). The successful tenderer(s) shall take the appropriate measures to be compliant with the e-invoicing conditions as set out in the draft contract.

7. Terms of contract (purchase order)

When drawing up a tender, the tenderer shall bear in mind the terms of the draft Framework Supply Contract.

EMSA may, before the contract is signed, cancel the award procedure without the tenderers being entitled to claim any compensation.

8. Financial guarantees

Not applicable.

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

10. Requirements as to the tender

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.

Tenders can be submitted in any of the official languages of the EU. However, as the main working language of the Agency is English, tenders should preferably be submitted in English and shall in particular include an English version of the documents requested under points 14.5 and 16 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, including up-to-date proof of that authorisation, the bank account on which payments are to be made and the email address to be used for contacts during the procurement procedure. The cover letter shall be accompanied by Appendix I – *Authorised Signatory Form* duly completed and signed.
- 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 up to date proof of that authorisation. 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 to EMSA. 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 tenderers 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 tenderers 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 tenderers 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 15.15 of these specifications;

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

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).

11. Price

- a) Price must be quoted for the purchase of parasols and their parts and shall include all related costs, including labour work and transportation costs.
- b) Prices must be fixed amounts and non-revisable.
- c) Prices must be quoted in euro.
- d) Under Article 3 and 4 of the Protocol on the privileges and immunities of the European 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

Groups, irrespective of their legal form, may submit tenders. Tenderers may, after forming a group, submit a joint tender on condition that it complies with the rules of competition. Such groups 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 tender.

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 tender, 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

Not applicable.

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.
- 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.

13.4.2 Evidence

- a) 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.

13.5 Technical and professional capacity – Selection criteria

13.5.1 Standards / Prerequisites

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

13.5.2 Evidence

- a) List of at least three clients to which similar goods, as requested in this call for tenders, were provided in the past five 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.

15. Award criteria

The contract will be awarded to the tenderer who submits the most economically advantageous tender (the one with highest score) based on the following quality criteria and their associated weightings:

1. **Quality criterion 1** ($W_1 = 50\%$) – Compliance with the required technical specifications. The tenderer shall complete the **Annex A – Compliance matrix**. The compliance will be evaluated against the technical specifications as described in section 2 above (“Objective, scope and description of the contract”).

Evaluators will give marks between 0-10 (half points are possible) for quality criterion 1 as a whole. For each sub-criterion in the compliance matrix will be attributed a maximum of 1 or 2 points as specified below:

a) = 2 points + b) = 2 points + c) = 2 points + d) = 2 points + e) = 1 point + f) = 1 point.

For each sub-criterion:

- Full compliance = full points
- Partial compliance [not applicable for the sub-criteria e) and f)] = one point
- No compliance = 0 points

and the price criterion and associated weighting:

2. **Price of the tender** ($W_{price} = 50\%$) – The tenderer shall complete **Annex B - Price list**. Prices per unit shall be used for the implementation of the Framework Contract.

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 tenders that have reached a minimum of 60 % for Q_1 will be taken into consideration when calculating the score for quality SQ , score for price SP and score S .

Only tenders that have reached a minimum of 60% for the score S will be taken into consideration for awarding the contract.

16. Evaluation and award

The evaluation of the tenders that comply with the conditions as per Invitation to tender will consist of the following elements:

- Check if the tenderer is not subject to restrictive measures and has access to procurement;
- Verification of non-exclusion of tenderers on the basis of the exclusion criteria;
- Selection of tenderers on the basis of selection criteria;
- Verification of compliance with the minimum requirements specified in the procurement documents;
- Evaluation of tenders on the basis of the award criteria.
- EMSA will evaluate the above-mentioned elements in the order that it considers to be the most appropriate. The successful tenderer(s) must pass all the above-listed elements to be awarded 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 draft framework 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.

Annex A – Compliance matrix

Technical specifications	Yes/No	Additional information (if applicable)
a) Area of coverage of each parasol: approximately 16.00 m ² for model 1, and 8.00 m ² for model 2, accepting a variation of 7% of the area bigger/smaller.		
b) The parasols shall offer protection against UV rays (minimum UPF 50) and a high degree of light fastness.		
c) The structural and supporting elements shall have adequate resistance to oxidation and extreme weather according to market standard (ex. aluminium).		
d) The parasols shall be free-standing without any need for anchoring in the surface of the terrace, with a flat base not above 30mm.		
e) The parasols shall withstand wind speeds of at least 70 km/h.		
f) The parasols shall have a protective cover to protect from adverse weather conditions.		
<p>For evaluation purposes, for each sub-criterion will be attributed a maximum of 1 or 2 points as specified below:</p> <p>a) = 2 points + b) = 2 points + c) = 2 points + d) = 2 points + e) = 1 point + f) = 1 point</p> <p>For each sub-criterion in this matrix:</p> <ul style="list-style-type: none"> - Full compliance = full points - Partial compliance [not applicable for sub-criteria e) and f)] = one point - No compliance = 0 points 		

Annex B – Price list

Items		Units	Price in € for implementation
a)	New parasol ± 16.00 m ² (Model 1) complete with protective cover and support accessories	1	
b)	Replacement of parasol protective cover Model 1	1	
c)	New parasol ± 8.00 m ² (Model 2) complete with protective cover and support accessories	1	
d)	Replacement of parasol protective cover Model 2	1	
e)	Replacement of parasol covering fabrics ± 16.00 m ² (Model 1)	1	
f)	Replacement of parasol covering fabrics ± 8.00 m ² (Model 2)	1	
Total Price for evaluation = [a + b + c + d + (e x 2) + (f x 2)]			