

Tender Specifications

Attached to the Invitation to tender

Invitation to tender No. EMSA/NEG/11/2023 for Hazard Analysis and Critical Control Points (HACCP) auditing 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 tenders.

2. Objective, scope and description of the contract

The objective of this procurement procedure is to establish a Framework Service Contract for the provision of auditing services on Hazard Analysis and Critical Control Points (HACCP) including all associated services, (e.g., transport of contractor's staff and end-product samples), for EMSA's premises, located at Praça Europa 4, 1249-206, Lisbon, Portugal.

2.1 Scope

The audit services shall comply with Regulation (EC) N° 853/2004 of the European Parliament and of the Council of 29 April 2004, on the hygiene of foodstuffs, ensuring a high level of consumer protection with regard to food safety.

Hazard Analysis and Critical Control Points (HACCP) system is a risk assessment method that helps to identify the critical points to food safety and to take the necessary steps to ensure that they are adequately controlled. Below the HACCP principles which the tenderer shall comply with for the provision of the auditing services purchased under this procurement:

- a) identifying any hazards that must be prevented, eliminated or reduced to acceptable levels;
- b) identifying the critical control points at the step or steps at which control is essential to prevent or eliminate a hazard or to reduce it to acceptable levels;
- c) establishing critical limits at critical control points which separate acceptability from unacceptability for the prevention, elimination or reduction of identified hazards;

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.).

- d) establishing and implementing effective monitoring procedures at critical control points;
- e) establishing corrective actions when monitoring indicates that a critical control point is not under control;
- f) establishing procedures, which shall be carried out regularly, to verify that the measures outlined in subparagraphs (a) to (e) are working effectively; and
- g) establishing documents and records commensurate with the nature and size of the food business to demonstrate the effective application of the measures outlined in subparagraphs (a) to (f).

2.2 Audit services

The contractor shall perform appropriate actions, controls and evaluations based on a scientific risk assessment as per point 2.1, including:

- a) Undertaking microbiological sampling and examinations of food handler and/or working surfaces in compliance with ISO 18593:2018 or equivalent;
- b) Undertaking end-product sampling for accredited laboratory testing in compliance with ISO 4833-1:2013/Amd 1:2022, ISO 21528-2:2017 and ISO 6888-2:2021 or equivalent;
- c) Analysis and confirmation that the controls, monitoring and corrective actions are being properly applied;
- d) Analysis of deviation from the critical limits;
- e) Ensuring that the personnel carrying out the verification activities have the appropriate qualifications, training and experience to undertake the verification activity.

The contractor shall use an accredited laboratory for the microbiological sampling and end-product samples testing and provide the certificate of compliance with NP EN ISO/IEC 17025:2018.

A comprehensive audit report, including results of laboratory tests, shall be provided by the contractor following each scheduled audit.

2.3 Emergency audit services on call basis

In case of need, the contractor shall collect end-product samples for accredited laboratory testing in compliance with ISO 4833-1:2013/Amd 1:2022, ISO 21528-2:2017 and ISO 6888-2:2021 or equivalent.

The contractor shall use an accredited laboratory for the microbiological sampling and end-product samples testing and provide the certificate of compliance with NP EN ISO/IEC 17025:2018.

A comprehensive audit report, including results of laboratory tests, shall be provided by the contractor following each audit on an on-call basis.

2.4 Associated services

The services provided under points 2.2 and 2.3 shall cover any associated services, including the following:

- a) Transportation of contractor's staff to EMSA premises;
- b) Transportation of end-product samples to and from the contractors' facilities, if required during the execution of the contract.

Tenderers are encouraged to add their full-service catalogue to the bid. EMSA reserves the right to purchase supplementary services under the contract, depending on established needs. These supplementary services will be ordered on the basis of a quote provided by the contractor as per Section 7 below.

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

For the total duration of the Framework Service Contract (maximum 4 years), a minimum of eight (8) audit services are foreseen at dates to be agreed upon between the contractor and EMSA.

Emergency on-call basis services may be purchased under the provisions of the Framework Service Contract and interventions shall take place immediately after their request by EMSA, within 1-2 working days, depending on the urgency.

5. Timetable

The estimated date for signature of the contract is the fourth quarter of 2023.

6. Estimated Value of the Contract

The maximum budget available for this contract is EUR 10,000.00 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/11/2023** on EMSA's website (www.emsa.europa.eu).

Order forms for the purchase of services shall be established based on the prices indicated in the financial offer. However, EMSA may request the contractor to propose supplementary services to be ordered on the basis of a quote provided by the contractor as per Article I.4.3.2 of the FWC.

The successful tenderer(s) shall take the appropriate measures to be compliant with the e-invoicing conditions as set out in the draft contract.

8. Terms of contract

When drawing up a tender, 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

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/purchase order, 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 the **Authorised Signatory Form** duly completed and signed. This document is available on the Procurement Section 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).

- b) **The Financial Identification Form completed**, signed and stamped. This document is available on the Procurement Section 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 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 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 tenderers on the basis of the Legal and Regulatory Capacity (part of the selection criteria) set out under point 14.3 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 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) Prices **shall be all inclusive** and must be quoted for Hazard Analysis and Critical Control Points (HACCP) auditing services in accordance with **Annex A ("Price List/Financial Proposal)** and shall include:
 - **Price for audit service**, covering any appropriate actions, controls and evaluations based on a scientific risk assessment as described in point 2.2, as well as any associated costs, e.g., transport costs, applicable insurances and laboratory costs;
 - **Price for emergency audit service on call basis**, covering the collection of end-product samples for accredited laboratory testing as described in point 2.3, as well as any associated costs, e.g., transport costs, applicable insurances and laboratory 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.

13. Joint Offer

Groupings, irrespective of their legal form, may submit tenders. Tenderers may, after forming a grouping, submit a joint tender 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 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.

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 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).

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

Duly completed and signed Declaration of Honour available on the Procurement Section of EMSA's website (www.emsa.europa.eu).

14.4 Economic and financial capacity – Selection criteria

14.4.1 Standards / Prerequisites

Not applicable.

14.4.2 Evidence

Not applicable.

14.5 Technical and professional capacity – Selection criteria

14.5.1 Standards / Prerequisites

The tender must have the necessary technical capacity to perform the contract with a minimum professional experience of three (3) years providing HACCP auditing services relevant for the subject matter of this call for tenders.

14.5.2 Evidence

The tenderer must submit a list of clients (minimum 10) to whom HACCP auditing services have been provided at least in the last three years.

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.

16. 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 ($Q_1 = 50\%$) - Proposed timeline for the emergency service on call basis, i.e. response time in case of emergency.

and the price criterion and associated weighting:

2. Price of the tender ($W_{price} = 50\%$) – the tenderer shall complete **Annex A - Price List / Financial proposal**.

For all tenders, 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 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.

17. 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.

18. 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. «

19. 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.

Annex A - Price List / Financial proposal		
Item	Price per Unit (for implementation of contract purposes)	Price for 8 Units (price scenario for evaluation purposes)
a) Price of audit service		
b) Price of emergency audit service on call basis		
Total price of the bid for evaluation purposes = (a) + (b)		