

Tender Specifications

Attached to the Invitation to tender

Invitation to tender No. EMSA/NEG/5/2022 for Gardening services at EMSA Headquarters

1. Introduction

The European Maritime Safety Agency (EMSA) was established under Regulation (EC) No 1406/2002 of the European Parliament and of the Council¹ for the purpose of ensuring a high, uniform and effective level of maritime safety. Among its tasks, the Agency the proper maintenance and functioning of its buildings and facilities for which a relevant contract is necessary.

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, scope and description of the contract

The subject of the Contract is the provision of gardening services for the EMSA Headquarters.

The total area for which gardening services are required is around 180,00m².

The green areas currently consist of 1 garden and 5 trees. The **Appendix 1** presents the partial building plan with the marked garden area.

The gardening services shall be provided by trained staff. The services shall be carried out by a Team consist of:

- The technician, who will be responsible for coordinating and supervising the works and will be a contact point for EMSA Project Officer.
- The workforce composed of at least one gardener, who will visit EMSA site at least twice per month and perform the respective tasks according to the proposed service programme (**Appendix 2**).

Following the award of the contract, the contractor shall provide EMSA with the names of the supervisor and the gardener(s) responsible for the implementation of the contract.

The contractor shall provide the required services without placing a burden on the security and facilities personnel at EMSA. The contractor shall deliver the services according to the proposed service program and

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.).

the work schedules set out in **Appendix 2** and in line with the following timeframe: from 09:00 AM to 05:00 PM, from Monday to Friday.

EMSA holiday plan for 2022 is attached to this Tender Specification in **Appendix 3**. Should the contract be renewed for further years, the contractor will be informed about EMSA's holiday plan for the subsequent years.

The contractor shall provide all the equipment and products necessary for the provision of the services with no additional costs. Moreover, the contractor shall undertake all responsibilities for the insurance of the staff responsible for the implementation of the contract and of all equipment and products needed for the provision of the services.

In the case of damages caused by the staff during the provision of the gardening services, the contractor shall be responsible for all expenses incurred.

2.1 Standard monthly gardening services

The standard gardening services to be provided on a monthly basis shall include lawns' care, trees and bushes' care, plants' care, fertilisation, irrigation and general maintenance as per **Appendix 2**.

The service program proposed by the tenderer in **Appendix 2** shall indicate the number of interventions per month per type of service, taking into account that at least two interventions per month shall be ensured.

2.2 Additional gardening services

Apart from the standard monthly gardening services as described under section 2.2 above, the contractor shall provide, upon EMSA request, the following additional gardening services:

- Replacement of soil (in the tree pit) and complements in the trees dispersed by the courtyard and adaptation of the automatic drip irrigation system, including all the preparatory work and accessories.
- Cleaning and disinfesting areas with proliferation of weeds/flowers (roof, ground floor areas, etc.).

2.3 Ad hoc gardening services

In addition to the services mentioned under sections 2.1 and 2.2 above, during contract implementation the contractor may be requested to provide ad hoc quotations, upon EMSA request, for the provisions of gardening services for which a price is not included in **Appendix 4**.

3. Contract management responsible body

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

4. Project Planning

Following the signature of the Contract, a meeting shall be scheduled at EMSA premises in order to present the green areas to be maintained. The provision of the service is expected to start in May 2022.

5. Timetable

The estimated date for signature of the Contract is April 2022.

The first Order Form implementing FWC will be signed in 2022. The scope of the first Order form will be the provision of standard monthly gardening services as described in section 2.1 above. These services will be requested every year.

6. Estimated Value of the Contract

The maximum budget available for this contract is EUR 20,000.00 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/5/2022** 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

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.

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, 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)

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 Gardening services at EMSA Headquarters as listed in **Appendix 4**, and shall be all inclusive, covering all costs related to the provision of the necessary equipment and

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).

products, the insurance costs for the staff and the equipment and products, as well as any associated transportation costs. For that purpose, the tenderer shall fill in **Appendix 4**.

- b) Prices must be fixed amounts.
- 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 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 (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

N/A

14.3.2 Evidence

N/A

14.4 Economic and financial capacity – Selection criteria

14.4.1 Standards / Prerequisites

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

14.4.2 Evidence

N/A

14.5 Technical and professional capacity – Selection criteria

14.5.1 Standards / Prerequisites

The tenderer shall have the necessary capacity to perform the contract with at least 2 years of experience in providing the gardening services

14.5.2 Evidence

The tenderer shall provide a list of minimum 3 projects provided in the last 2 years.

The list shall include the following information: name of the client, scope of gardening services, time and overall duration of the project.

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.

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 ($W_1 = 50\%$), Quality of the proposed “Yearly planning of the proposed standard monthly gardening services”, in accordance with **Appendix 2** – specifying the type of service for each subject as listed therein.

and the price criterion and associated weighting:

2. Price of the bid ($W_{Price} = 50\%$).

The tenderer shall quote the price for gardening services in accordance with Section 12 above. For evaluation purposes, the tenderer shall complete the scenario included in **Appendix 4** as follows:

Price of the bid (W_{Price}) = (48 months x A) + (1 x 5 trees x B) + (4 years x 100m² x C)

Failure to fill in Appendix 4 may lead to the rejection of the tender for being incomplete.

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 50 % for Q_1 , will be taken into consideration when calculating the score for quality SQ , score for price SP and score S .

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

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.