

Tender Specifications

Attached to the Invitation to tender

Invitation to tender No. EMSA/NEG/35/2020 for Provision of insurance broking 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. The Agency's main objective is to provide technical, operational and scientific assistance to the European Commission and EU Member States in the proper development and implementation of EU legislation on maritime safety, pollution by ships and security on board ships. To accomplish this, one of EMSA's most important tasks is to improve cooperation with, and between, Member States in all key areas.

2. Objective, scope and description of the contract

2.1 Objective

The objective of this procurement procedure is to establish a framework service contract for a period of four (4) years to ensure professional insurance coverage through insurance broking and consulting services.

The framework service contract will be implemented through order forms representing the yearly total insurance cost (premium cost including brokerage fee) for the requested insurance services described under point 2.3 below. The first order form shall start on 1st April 2021.

2.2 Scope

The successful tenderer is expected to use its knowledge of the insurance market and its professional experience to deliver best value for money with regard to the insurance cover for EMSA, bearing in mind the objectives set out under point 2.1 above.

The successful tenderer is expected to deliver the following services:

- a) Independent professional advice on all insurance related matters, in particular:
 - the insurance programme suitable to EMSA;
 - the current status of the insurance market and market security;
 - the suitability and status of proposed insurers;
- b) Marketing of EMSA's insurance requirements;

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.).

- c) Placement of EMSA's insurance requirements with suitable insurers;
- d) Ongoing management of EMSA's insurance cover and safeguarding of the Agency's interests
- e) Claims assessment and claims handling.

Any insurance claim of EMSA shall be professionally and quickly dealt with.

Advice should be given regarding any possible reduction of EMSA's risk exposure beyond the contracted insurance cover, e.g. information about useful insurance services not yet contracted or advice on possible process or building improvements which could lower the Agency's risk exposure.

2.3 Requested insurance coverage

Regular insurance services:

The requested insurance services shall cover the contents of the EMSA building, EMSA's ICT equipment, the contents of the EMSA garage and the automobile insurance for the two cars owned by the Agency, under the conditions stated below under points 2.3.1, 2.3.2, 2.3.3 and 2.3.4.

Additional insurance services:

EMSA reserves the right to purchase additional insurance services, based on *ad hoc* request for services, in order to cover insurance needs that may arise during contract implementation.

2.3.1 Contents of the EMSA building

| CONTENTS EMSA BUILDING | |
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| Contents to be insured | <p>All goods and the whole of fixed or mobile elements constituting equipment, furniture, cargo lifting and cleaning gear whatsoever, materials, stocks of materials, office supplies, records and archives, furniture arrangements, fixtures and furniture installations of all kinds.</p> <p>Exclusions from coverage:</p> <p>Please note that ICT equipment shall not be covered by this policy.</p> |
| Insured value (blanket cover) | <p>Acquisition value: € 1,585,000.00</p> <p>(of which 785,000.00 are furniture, 750,000.00 are electrical equipment and 50,000.00 are others).</p> <p>N.B.: A complete asset list will later be provided to the contractor awarded the contract.</p> |
| Loss settlement | New replacement cost |
| Location | EMSA premises (indoor) |
| Loss history | To date, EMSA had no loss claims |
| Other | The content of the EMSA building is regularly maintained and renewed |
| Minimum required cover | <p><u>Total or partial damages as a result of:</u></p> <ol style="list-style-type: none"> 1. Fire and/or smoke - explosions of any kind - gas – steam 2. Electrical hazards 3. Falling equipment of air or space transport 4. Sound barrier 5. Vehicle collisions 6. Damages from water or oil spilling out 7. Labour disputes and attacks - riots - popular movements - acts of terrorism - sabotage - vandalism – malevolence 8. Theft / robbery and attempted theft / robbery 9. Broken windows 10. Machinery breakdown - consequential damage <p>N.B.: The machines concerned are 1 constant-current generator, 3 entrance turnstiles and 1 bi-directional entrance turnstile; the capital to be insured in this context is € 50,000.00.</p> |

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| | <p>11. Atmospheric conditions (rain, etc.)</p> <p>12. Storms (incl. lightning strike), flood and inundation, earthquake (incl. landslide) and other extreme weather conditions</p> |
| <p>Advantageous cover</p> | <ul style="list-style-type: none"> ▪ Cost of debris removal and demolition of damaged items ▪ Occasional transportation: damage or burglary during move, or occasional ground transportation ▪ Salvage costs: costs incurred by EMSA for urgent measures taken to prevent or mitigate damage which is covered by the insurance in place |
| <p>Admissible deductibles</p> | <p>€ 100.00 per insured event</p> <p>10% with € 100.00 as minimum for the theft/robbery or vandalism covers</p> <p>10% with € 750.00 as minimum in case of earthquakes (incl. landslide)</p> |

2.3.2 EMSA ICT equipment

| EMSA ICT EQUIPMENT | |
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| Content to be insured | <ul style="list-style-type: none"> ▪ <u>Fixed and mobile IT equipment (hardware)</u>: PBX, automatic data processing equipment information, installation of network, server, computer, word processing, printer, modem, laptop, notebook, memory expansion, CD-ROM, scanner, etc. ▪ <u>Office automation equipment</u>: all electronic office equipment for professional use, e.g. fax machine, copier, small offset machine, telephone equipment, dictaphone, alarm system, detection and access control, system core, etc. ▪ <u>Audio-visual equipment</u>: any audio-visual electronics such as projectors, screens, hearing aids for interpretation, recording, sound and image transmission, combined broadcasting, signalling devices, etc. <p>Exclusions from coverage: pagers and mobile phones</p> |
| Insured value (blanket cover) | <p>Acquisition value: € 8,807,440.00 (of which € 1,582,166.00 are located in the Madrid datacenter).</p> <p>(N.B.: Complete asset lists will later be provided to the contractor awarded the contract.)</p> |
| Loss settlement | New replacement cost |
| Locations | <p>EMSA premises (Lisbon), indoor</p> <p>Datacenter premises (Madrid), indoor</p> |
| Loss history | To date, EMSA had no loss claims |
| Other | The equipment is regularly maintained and renewed |
| Minimum required cover | <p><u>Total or partial damages as a result of:</u></p> <ol style="list-style-type: none"> 1. Fire and/or smoke - explosions of any kind - gas - steam 2. Electrical hazards 3. Falling equipment of air or space transport 4. Sound barrier 5. Vehicle collisions 6. Damages from water or oil spilling out 7. Labour disputes and attacks - riots - popular movements - acts of terrorism - sabotage - vandalism – malevolence 8. Theft and/or attempted theft |

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| | <p>9. Machinery breakdown - consequential damage</p> <p>10. Atmospheric conditions (rain, etc.)</p> <p>11. Storms (incl. lightning strike), flood and inundation, earthquake (incl. landslide) and other extreme weather conditions</p> |
| <p>Advantageous cover</p> | <ul style="list-style-type: none"> ▪ Cost of debris removal and demolition of damaged items ▪ Occasional transportation: damage or burglary during move, or occasional ground transportation between EMSA premises and datacenter premises ▪ Salvage costs: costs incurred by EMSA for urgent measures taken to prevent or mitigate damage which is covered by the insurance in place |
| <p>Admissible deductibles</p> | <p>€ 1,000.00 per insured event</p> <p>5% of the insured amount in case of earthquakes (incl. landslide)</p> |

2.3.3 Contents of the EMSA garage

| CONTENTS EMSA GARAGE | |
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| Content list to be insured | <p>All vehicles in the property of EMSA or EMSA staff members which are parked inside the EMSA garage: 103 cars with an estimated total value of € 3,000,000.00; 10 motorbikes with an estimated total value of € 50,000.00; 40 bicycles with an estimated total value of € 20,000.00. The total estimated value of all vehicles combined is therefore: € 3,070,000.00.</p> <p>Exclusions from coverage:</p> <p>The insurance needs to be applicable ONLY if and in so far as the individual proprietary insurance of the vehicle is missing or is insufficient.</p> |
| Insured value (blanket cover) | The maximum capital insured may be limited to € 1,000,000.00 per year and per claim. |
| Loss settlement | <p>New replacement cost OR current, effective value on the day of the damage event.</p> <p>The maximum indemnity per vehicle may be limited to € 25,000.00.</p> |
| Location content | EMSA premises (indoor) |
| Loss history | Up to date, EMSA had no loss claims |
| Other | The garage is closed. There is a CCTV system in place: cameras control the access from the street to the garage and the accesses from the garage to the attached buildings (8 doors). |
| Minimum required cover | <p><u>Total or partial damages as result of:</u></p> <ol style="list-style-type: none"> 1) Fire and/or smoke - explosions of any kind - gas – steam 2) Electrical hazards 3) Falling equipment of air or space transport 4) Sound barrier 5) Collisions with solid objects 6) Damages from water or oil spilling out 7) Labour disputes and attacks - riots - popular movements - acts of terrorism - sabotage -vandalism – malevolence 8) Theft and/or attempted theft or robbery of whole cars 9) Broken windows 10) Atmospheric conditions (rain etc.) |

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| | 11) Storms (incl. lightning strike), flood and inundation, earthquake (incl. landslide) and other extreme weather conditions |
| Advantageous cover | <ul style="list-style-type: none"> ▪ Theft and/or attempted theft of single parts of cars ▪ Theft and/or attempted theft of any goods left inside a car or on a motorbike or bicycle (e.g. a helmet, gloves, dress) ▪ Theft and/or attempted theft or robbery of bicycles or motorbikes ▪ A higher maximum insured capital than € 1,000,000.00 per year and per claim ▪ Salvage costs: costs incurred by EMSA for urgent measures taken to prevent or mitigate damage which is covered by the insurance in place |
| Admissible deductibles | <ul style="list-style-type: none"> - Strikes, riots, civil disturbance, vandalism and acts of terrorism: 10% with minimum € 750.00 - Theft or robbery and attempted theft or robbery of whole cars: 10% with minimum € 750.00 - 5% in case of earthquakes (incl. landslide) |

2.3.4 Automobile insurance for the Agency's two cars

| AUTOMOBILE INSURANCE | |
|--|---|
| Vehicles to be insured | <p>•A) BMW Serie 5 - 523 i (limousine)</p> <ul style="list-style-type: none"> - 6 cylinders 2996cm3 - year of production: 2010 - alarm - parked in the EMSA garage - matricula: 206-CD-803 <p>B) Mercedes-Benz Vito 115 CDI/32 8L (people carrier)</p> <ul style="list-style-type: none"> - 4 cylinders 2148cm3 - year of production: 2007 - 8 seats - alarm - parked in the EMSA garage - matricula: 206-CD-802 |
| Insured value <i>(blanket cover)</i> | The value stated in Eurotax/Automobile Guide or the calculated value based on the data published by the Portuguese Insurers Association (APS) |
| Loss settlement | The insured capital |
| Parking location | EMSA garage in Lisbon (indoor) |
| Loss history | Up to date, EMSA had no loss claims |
| Other | The cars are undergoing scheduled maintenance |
| Minimum required cover | <p>A) Third Party Liability: € 50,000,000.00</p> <p>B) Own damage insurance:</p> <p>Occupants:</p> <ul style="list-style-type: none"> - Death and permanent disability (minimum € 10,000.00) - Treatment expenses (minimum € 1,000.00) - Funeral Expenses (minimum € 1,000.00) |

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|-------------------------------|--|
| | <ul style="list-style-type: none"> - Legal protection - Glass breakage - Crash, collision and rollover - Theft or robbery - Fire, lightning or explosion - Strikes, riots, civil disturbance, vandalism and acts of terrorism - Natural disasters and aircraft fall |
| Advantageous cover | <ul style="list-style-type: none"> - Damage to clothing and footwear - Deprivation of use due to an accident - Deprivation of use due to a fault - Daily allowance for medical treatment - Luggage and transported objects -Travel assistance |
| Admissible deductibles | <ul style="list-style-type: none"> - Crash, collision and rollover: 3% with minimum € 200.00 - Strikes, riots, civil disturbance, vandalism and acts of terrorism: 3% with minimum € 200.00 - Natural disasters and aircraft fall: 3% with minimum € 200.00 |

Please note:

Any offer for insurance coverage that does not meet the above described “minimum required cover” for points 2.3.1 and 2.3.2 and 2.3.3 and 2.3.4 may be rejected. For tenderers which do meet the “minimum required cover”, the “advantageous cover” will be taken into consideration for the evaluation of the award criteria (see point 15 below) and will allow a better score if it is offered as part of the overall bid without adding additional costs. If, on the contrary, the “advantageous cover” has an additional price attached, it will not be considered as favourable.

As for how any deductibles (“franquia”) will be taken into consideration for the evaluation of the award criteria please see point 15.3 (Price of the bid) of these tender specifications.

In accordance with Art. 164(4) of the Financial Regulation EMSA reserves the possibility to award a contract on the basis of the initial tender without negotiation.

2.4 Safety and security features of EMSA’s premises and the datacenter premises

Both the EMSA premises in Lisbon and the datacenter premises in Madrid are maintained in good order and are equipped with high standard safety and security features. All systems are monitored on a 24 hours / 7 days basis. The buildings are in conformity with the requirements of the applicable norms, both EU wide and in accordance with the Portuguese legislation, and with the standards in this area.

For more detailed information please request the **Appendix “Safety and security features of the EMSA premises and datacenter premises”** by sending an e-mail to the dedicated email address NEG352020@emsa.europa.eu.

2.5 Place of performance of services

The services under the framework contract can be performed at the contractor’s premises. Exceptionally, when deemed necessary for the execution of the contract, the contractor shall be available for meetings (at EMSA’s premises or via video conference) at any time at the request of EMSA.

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 March 2021.

Important dates in this procurement procedure are:

| | Event | Due |
|---|---|---------------------|
| 1 | Deadline for requests by tenderers to attend a site visit at EMSA’s premises | 08/01/2021 |
| 2 | Site visits if requested by tenderers (for details, please see point 9 of the invitation to tender) | 13/01/2021 at 11h00 |
| 3 | Deadline for submitting questions | 21/01/2021 at 23h59 |

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| 4 | Deadline for submitting a tender | 29/01/2021 at 23h59 |
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5. Estimated Value of the Contract

The maximum budget available for this contract is EUR 135,000.00 excluding VAT.

6. 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/35/2020** on EMSA's website (www.emsa.europa.eu).

7. Terms of contract

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.

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 criteria.² 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.³ However, the selection criteria may apply individually where it is relevant in view of their nature.

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 15 of the present Tender Specifications. The tenderer must comply with all 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.

³ 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.⁴

The tenderer must 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 in 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 in the Procurement Section (Financial Identification Form) of EMSA's website (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 in 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 9, 12, 13.2 and 14 of these tender specifications (exclusion criteria).

Part B: All the information and documents required by EMSA 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 EMSA 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 EMSA for the appraisal of tenders on the basis of the award criteria set out under point 15 of these tender specifications.

Part E: Setting out prices in accordance with point 111 of these tender specifications.

11. Price

- a) The tenderer must complete **Annex C - Price Quotation** (attached to these tender specifications). Prices for the provision of insurance broking services must be quoted as follows:

⁴ 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).

(1) the annual premium price (for each insurance coverage related to “regular insurance services” under point 2.3 above),

(2) the price of the brokerage fee in percentage (%) as applied to the premiums, and

(3) the total annual price (= the sum of all premiums for each insurance coverage, including the brokerage fees).

The percentage (%) of the brokerage fee (which is applied to the premium cost) shall be equal for all the insurance coverage.

The broker fee (%) on the premium may not be increased during the complete duration of the contract, i.e. four (4) years. However, EMSA is aware of the possibility that the price obtained from insurers may vary from the price and cover quoted prior to placement of any insurance order due to changes in facts that may occur between the initial quotation and the replacement of the insurance order with the recommended provider. Such a variance shall be disclosed to the Agency immediately when the insurance broker (contractor) becomes aware of such a potential or actual price or coverage revision. Any appropriate actions shall be agreed with EMSA prior to the placement of the insurance order with the recommended insurer.

No additional expenses incurred in the implementation of the contract will be reimbursed by EMSA. Estimated costs for participation in coordination meetings with the Agency or for performing tasks onsite at EMSA premises must be included in the price of the tender.

The price which will be taken into consideration for the evaluation under point 15 of these tender specifications (“Award Criteria”) is the total annual price (point 11. a) (3) above).

- b) Prices must be fixed amounts and non-revisable.
- c) Prices (with the exception of the brokerage fee in %) 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.

As mentioned in point 2.3 above, EMSA reserves the right to purchase additional insurance services, based on *ad hoc* request for services, in order to cover insurance needs that may arise during contract implementation.

12. Joint Offer

Groups of economic operators, irrespective of their legal form, may submit bids. Tenderers may, after forming a group, submit a joint bid 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 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).

13.2 Grounds for exclusion – exclusion criteria

To be eligible to participate in this procurement 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) must be duly 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, i.e. to provide insurance broking services.

Therefore, the tenderer must either be enrolled in a relevant professional or trade register (in Portugal for example the "*registo de mediador de seguros*" of the Autoridade de Supervisão de Seguros e Fundos de Pensões) or must hold a particular authorisation proving that it is authorized to perform the contract in its country of establishment.

13.3.2 Evidence

The document proving the enrolment in the relevant professional or trade register, or a certificate proving a particular authorisation or equivalent.

13.4 Economic and financial capacity – selection criteria

13.4.1 Standards / Prerequisites

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

13.4.2 Evidence

Please note that only the winning tenderer shall provide upon request and within the time limit set by EMSA the following evidence:

- a) Financial statements or their extracts for the last two years for which accounts have been closed.

- b) A 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 still up-to-date. In this case the tenderer shall simply indicate in its 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

The tenderer shall have the necessary experience to perform the contract, namely:

- a) Organisational capacity to perform the service as described under point 2 above;
- b) At least three years of experience in the provision of services similar to the scope and nature of the services requested in this call for tender.

13.5.2 Evidence

- a) A brief company profile;
- b) Curriculum vitae of the staff members of the team to be assigned to this contract (describing their qualifications, professional experience and anticipated role within the team);
- c) If available, an organisational chart showing the internal structure of the tenderer;
- d) Details of the quality assurance accreditation that the tender holds, if any, or alternatively a brief outline of the tenderer's quality assurance policy, if any;
- e) The naming of at least one contract performed in the past three years similar to the scope and nature of the contract to be concluded as a result of the present procurement procedure, describing the subject, the amount, the dates and the contracting parties. Please note that EMSA may choose to contact any of these contracting parties for reference. The permission of the tenderer to do so will be assumed unless the tenderer states an explicit objection in its tender.

14. Declaration of Honour (DoH)

The tenderer must provide information with regard to 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.

Please note that (only) 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 (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.

Upon request of EMSA the successful tenderer shall provide the documents mentioned as supporting evidence before signature of the contract and within the deadline set by EMSA. This requirement applies to each member of the group in case of a joint tender.

If the tenderer already submitted such evidence for the purpose of another procedure, provided 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 ($W_1 = 30\%$): The completeness of the insurance coverage as declared by the tenderer in **Annex A: Insurance Coverage**. The evaluation of this criterion is based on the proposed insurance policies for the categories mentioned under points 2.3.1, 2.3.2, 2.3.3, 2.3.4 of these tender specifications.
2. Quality criterion 2 ($W_2 = 10\%$): The service quality of the insurance broking services as declared by the tenderer in **Annex B: Service Quality** and in the other parts of the tender (if applicable). The evaluation of this criterion is based on the information the tenderer provides on the administration of the contract and the service delivery.

And the price criterion and associated weighting:

3. Price of the bid ($W_{price} = 60\%$): The total annual price as provided by the tenderer in **Annex C: Price Quotation**.

Please note: For purposes of the evaluation, the price shall be calculated without any deductibles (“franquia”) with the exception of the “admissible deductibles” as stipulated under point 2.3 of these tender specifications. If the tenderer can only offer an insurance policy including deductibles higher than the “admissible deductibles” stipulated under point 2.3, they will be taken into consideration as unfavourable for the evaluation of the award criteria/price criterion and will result in a lower score. On the contrary, any deductibles below the “admissible deductibles” stipulated under point 2.3 (or no deductibles) will be taken into consideration as favourable for the evaluation of the award criteria/price criterion and will allow a better score.

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 the award of the contract.

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.

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.