ANNEX I - TENDER SPECIFICATIONS
ATTACHED TO THE INVITATION TO TENDER

(Invitiation to tender No. EMSA/OP/04/08 concerning a framework contract for the provision of optical satellite images to the European Maritime Safety Agency for emergency response to accidental marine oil spills)

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1. Introduction

The European Maritime Safety Agency (EMSA) was tasked according to Article 10 of Directive 2005/35/EC of the European Parliament and Council, to “work with the Member States in developing technical solutions and providing technical assistance in relation to the implementation of this Directive, in actions such as tracing discharges by satellite monitoring and surveillance”.

Accordingly, the Agency set up a high-performance satellite monitoring system for marine oil spill detection and surveillance in European waters, to support the response chain of Member States for location of illegal discharges and to mitigate the impact of accidental spills. The service, called CleanSeaNet, became operational on 16 April 2007, and by December 2007 all EU coastal states and Norway were using the service for oil spill detection over national waters. The system works on the basis of near real time analysis of ENVISAT ASAR and RADARSAT Synthetic Aperture Radar (SAR) images acquired at ground stations in Norway, Italy and the Azores (the latter not yet in service). Analysed satellite SAR images and notifications of detected oil slicks or clean sea reports are delivered to competent authorities in Member States and to EMSA in less than 30 minutes following the satellite overpass. The low resolution satellite SAR images and results of oil spill analysis are available through a customer tailored web-browser. All low and high resolution images and associated data are available from the Agency database for further analysis and for production of statistics on behalf of the Member States and the Commission.

In the first year of service the Agency received a number of emergency requests for satellite images for surveillance of accidental oil spills from the Commission and Member States. As a complement to remotely sensed images from aircraft, satellite SAR is recognised as an optimal means for wide area detection of oil spills on the sea surface. Satellite SAR images have been used for monitoring oil spill disasters such as the “Prestige” incident in November 2002 to some degree of success. The use of satellite SAR for emergency mapping and monitoring of the evolution of accidental spills does however face a number of technical limitations. In an emergency, satellite images must be acquired at very short notice for a specific area. Currently in CleanSeaNet only two satellite radar sensors are providing images. This can mean a long lead time before a first image is delivered, and then coverage may exist only every 3-4 days at best at mid-latitudes. False targets on the radar image particularly in near shore areas (frequently subject to wind shadow, complex currents, shallow waters) can be misleading for responders. In conditions of very low or high winds or in ice conditions it may not be possible to detect oil on the sea surface using satellite SAR. In addition SAR can not detect oil floating beneath the water surface and can not measure oil thickness.
The use of supplementary images from optical satellites may offer complementary information to the SAR images. Clearly the potential of optical images also has technical limitations. Cloud cover and night darkness reduce the number of useful satellite optical images available. In addition the application of satellite optical images for mapping and monitoring of surface oil slicks, submerged oil and beached oil remains relatively undeveloped. Nevertheless the use of multiple optical and SAR satellite sensors will improve the Agency’s capacity to support a Coastal State affected by an accident in providing the most complete overview of the affected area.

In 2008 the Agency would like to begin to make use of additional image data from optical satellite sensors to strengthen the operational response capability of CleanSeaNet to accidental oil spills at sea. Under this Invitation to Tender it is the intention of the Agency to sign framework contract(s) to a total maximum value of €150,000 for a three year period. These contracts are supplementary to existing satellite image licences contracts the Agency has for Envisat ASAR and RADARSAT 1 & 2 data. Furthermore the Agency has access to ERS-2 radar images for emergencies. Arrangements for access to new SAR sensors are outside the scope of this tender.

The required satellite image coverage is global. It is anticipated that the most frequently requested images will be for European Union and EFTA waters (Iceland and Norway); however images may be requested outside these waters.

**Contract objective and structure**

This contract will focus on the provision of high resolution optical satellite images to EMSA for pollution emergencies. The scope of the contract shall include the provision of image licences, emergency planning and ordering services on behalf of EMSA, fast delivery of the processed image product to EMSA, and as an option delivery of a post-processed analysed map (added value information). The provision of supporting documentation and training to EMSA is also required.

The procurement procedure is divided into 6 ‘lots’ according to available satellite sensors. Bidders may submit offers for one or more lots. All lots will be assessed independently. To achieve the best possible service the Agency wishes to encourage the Industry to be innovative in providing and offering a comprehensive service and welcomes any proposal that has been well thought through.

1.1. **Lots 1-6: Optical satellite images**

The following lots have been defined:

Lot 1: SPOT
Lot 2: Landsat ETM+
Lot 3: Formosat-2
Lot 4: DMC SLIM 6
Lot 5: IRS LISS III
Lot 6: ALOS-AVNIR 2

2. Requirements for Lots 1 - 6

2.1. Satellite data

The contractor shall provide the licence to EMSA for the following satellite sensor modes according to Table 1:

Table 1: Lot description (satellite sensor and image modes)

<table>
<thead>
<tr>
<th>Lot No.</th>
<th>Lot description (satellite/sensor)</th>
<th>Image Modes</th>
</tr>
</thead>
</table>
| 1       | SPOT (2,4,5) and optional equivalent   | Resolution: 20-2.5 m
         |                                        | Nominal Swath: 60 km
         |                                        | Product Type: Multispectral
         |                                        | Processing Level: 2A or equivalent                                          |
| 2       | Landsat (7 ETM+, 5 TM) and optional    | Resolution: 30-15 m
         | equivalent                        | Nominal Swath: 185 km
         |                                        | Product Type: Multispectral                                               |
         |                                        | Product Level: 2 or equivalent                                               |
| 3       | Formosat-2 and optional equivalent     | Resolution: 8 m                                                              |
         |                                        | Nominal Swath: 24 km                                                         |
         |                                        | Product Type: Multispectral                                                 |
         |                                        | Processing Level: 2A or equivalent                                           |
| 4       | DMC SLIM 6 and optional equivalent     | Resolution: 32 m                                                             |
         |                                        | Nominal Swath: 32 km                                                         |
         |                                        | Product Type: Multispectral                                                 |
         |                                        | Processing Level: L1R or equivalent                                          |
| 5       | IRS – LISS III and optional equivalent | Resolution: 25 m                                                             |
         |                                        | Nominal Swath: 70 km                                                         |
         |                                        | Product Type: Multispectral                                                 |
         |                                        | Processing Level:2 or equivalent                                            |
**ALOS-AVNIR 2 and optional equivalent**  
Resolution: 10 m  
Nominal Swath: 70 km  
Product Type: Multispectral  
Processing Level: 2A or equivalent

**Bidders are allowed to propose additional sensors for each lot if;**

i) **The optional sensors have similar technical characteristics (resolution, swath and product type) as defined for that particular lot and**

ii) **The optional sensors are not any of the sensors already defined in the requirements for the remaining lots.**

<table>
<thead>
<tr>
<th>Requirements</th>
</tr>
</thead>
<tbody>
<tr>
<td>Satellite data</td>
</tr>
<tr>
<td>The contractor shall provide licences for the data and products as laid down in the draft licence contract. The image modes (resolution, swath, product type and processing levels) have been chosen for optimising the use during an oil spill accident, the bidders can add additional optional modes (and shall describe the advantage within an emergency oil spill incident).</td>
</tr>
<tr>
<td>Optional equivalent sensor</td>
</tr>
<tr>
<td>As an option bidders are allowed to propose additional sensors for each lot. <strong>Bidders offering additional sensors must describe their advantages and technical characteristics (resolution, swath, product type, processing level and orbit repetition time).</strong></td>
</tr>
</tbody>
</table>

### 2.2. Emergency Image acquisition planning, ordering and delivery

The availability of an ‘always on’ (24 hours per day, 365 days per year) emergency order desk for image acquisition and planning is required. EMSA shall initiate the request for emergency acquisitions, however the contractors shall be responsible for acquisition planning and ordering in co-operation with EMSA according to the following procedure;

1. As a first step EMSA shall contact the order desk and provide overall planning requirements in terms of the latest known co-ordinates of the spill, and requested planning coverage.

2. The order desk shall provide initial planning file(s) to EMSA with suitable planned acquisition within a maximum period of 4 (four) hours after having received the call from EMSA.
3. EMSA will review the initial planning file, make adjustments if necessary and return the ‘approved’ planning file to the contractor. This process might be reiterated until the acquisition scheme meets EMSA’s operational requirements.

4. EMSA sends the order form to the contractor.

5. The contractor places the order / programmes the acquisition.

6. The contractor informs EMSA of the confirmed acquisition and of the expected delivery time for planned images and returns a signed order form to EMSA.

7. It is preferable that EMSA ‘preview’ the optical scene to check the percentage cloud cover and to verify if the scene is ‘fit-for-purpose’.

By taking into consideration the above draft procedure, the contractor must state the time from placing the order to the first possible image acquisition by the satellite. This time shall be taken into account in the evaluation, and shorter times will be evaluated higher.

<table>
<thead>
<tr>
<th>Requirements</th>
<th>Description</th>
</tr>
</thead>
<tbody>
<tr>
<td>Emergency Order Desk</td>
<td>An order desk should be ready to accept emergency calls on a 24/7 365 days of the year and able to send the initial planning file in less than 4 hours after receiving the initial planning request (including co-ordinates and planning needs) from EMSA.</td>
</tr>
<tr>
<td>Satellite image planning tools</td>
<td>The contractor shall provide to EMSA the necessary image planning acquisition tools free of charge.</td>
</tr>
<tr>
<td>Acquisition planning and programming</td>
<td>The contractor shall follow the procedure for image acquisition planning and programming as described above.</td>
</tr>
<tr>
<td>Time from order to first possible acquisition</td>
<td>The contractor shall state the time from placing the order to the first possible image acquisition by the satellite. This time shall be taken into account in the evaluation, and shorter times will be evaluated higher.</td>
</tr>
<tr>
<td>Delivery time</td>
<td>The maximum time for delivery of the acquired data (GeoTIFF high and low resolution image) to the EMSA FTP site is 24 hours after acquisition, quicker delivery times are highly desirable for operational reasons. For each lot, the bidder shall provide the expected delivery time to EMSA of the processed image. The time needs to be expressed as the time from satellite acquisition to data delivery to EMSA FTP site.</td>
</tr>
</tbody>
</table>
2.3. **Service coverage**

Global coverage of the service is required. Typically the service area is confined to European and EFTA (Norway, Iceland) coastal waters and the adjacent high seas. Occasionally images may be ordered for other sea areas.

2.4. **Data/Product format and transmission to EMSA**

Image products and associated metadata shall be transmitted to EMSA using FTP.

The image products should be radiometrically calibrated, corrected for sensor platform distortions and mapped to a cartographic projection UTM WGS 84.

Data to be transmitted to EMSA includes at least;

- Full resolution GeoTIFF images together with the associated metadata and geo-referencing
- Reduced resolution GeoTIFF images together with the associated metadata immediately after processing and geo-referencing
- Any associated geographical data and metadata

The provision of information shall follow international standards (the standards developed by the OpenGeospatial Consortium - OpenGIS compliance -, the ISO/TC211 and CEN/TC287 groups are being translated into the ISO 19100 standards) and the European INSPIRE initiative which will also follow closely the standards that arise from the OpenGIS work.

<table>
<thead>
<tr>
<th>Requirements</th>
<th>Description</th>
</tr>
</thead>
<tbody>
<tr>
<td>Transmission to EMSA FTP</td>
<td>The contractor is required to use FTP as the mechanism for transmission of images and associated metadata to EMSA. Procedures for the verification of correct transmission shall be implemented</td>
</tr>
<tr>
<td>Standards</td>
<td>The recommendations of the European INSPIRE initiative have to be fulfilled as well as international standards as defined by ISO/TC211 or CEN/TC287.</td>
</tr>
<tr>
<td>Data format of imagery</td>
<td>The format of the imagery shall be as described under point 2.4. GeoTIFF format (TIFF image file format containing georeferencing metadata information) is the open imagery file format which is most widely used. The GeoTIFF “standard” is now shifting to the approved OCG GML format JPEG2000 (called GMLJP2). The contractor shall be able to switch to this new standard, when requested by EMSA.</td>
</tr>
<tr>
<td>Data format of vector data</td>
<td>Vector data shall be delivered by using the ESRI shape files “quasi”-standard.</td>
</tr>
<tr>
<td>Post-processed product/map</td>
<td>As an option bidders may provide EMSA with added value information in the format of a post-processed (analysed) map product. Delivery of this product would occur maximum 24hrs after delivery of the high resolution GeoTIFF image. At minimum the product will consist of a map legend (including scale, and other info), grid, sensor type and mode, date of acquisition, copyright, and image analysis. Bidders who offer this type of product are requested to include a</td>
</tr>
</tbody>
</table>
2.5. **Training**

Training of EMSA staff on the usage of the planning tool and the image products within this framework will be necessary. Training for a maximum of 10 EMSA staff will take place at the EMSA premises in Lisbon. EMSA will provide training facilities including PC’s. As a minimum the training should consist of; training on the provided image planning software, training on the working procedures for planning and ordering (i.e. EMSA / Order Desk interface) and on image interpretation.

<table>
<thead>
<tr>
<th>Requirements</th>
<th>Training duration</th>
</tr>
</thead>
<tbody>
<tr>
<td>Training duration</td>
<td>Minimum 1 day training per Lot</td>
</tr>
</tbody>
</table>

2.6. **Documentation**

Documentation of working procedures should be provided to the Agency to ensure correct use of the service. Drafts of this documentation should be provided in the bid. For the duration of the contract all documentation may be updated as required upon the request of EMSA and/or as needed due to technical updates.

<table>
<thead>
<tr>
<th>Requirements</th>
<th>The bidder is requested to provide a draft emergency planning and ordering procedure between the Agency and the Contractor</th>
</tr>
</thead>
<tbody>
<tr>
<td>Emergency planning and ordering procedure</td>
<td>The bidder is requested to provide a draft Data transmission procedure between the Contractor and the Agency. The data transmission procedure will have to take into account security aspects of the Agency’s IT system, and thus will be analysed in detail after the tender award by both parties.</td>
</tr>
<tr>
<td>Data transmission procedure</td>
<td></td>
</tr>
<tr>
<td>Product description</td>
<td>The bidder is requested to provide draft technical documentation on satellite image products for full and low resolution images</td>
</tr>
<tr>
<td>The User Guide for acquisition planning software</td>
<td>The bidder is requested to provide a draft acquisition planning software user guide – explaining the use of the planning tool</td>
</tr>
</tbody>
</table>
2.7. Service in case of an activated charter

The “International Charter on Space and Major Disasters”\(^1\) was created as a mechanism for a fast and non-bureaucratic delivery of satellite images directly to users in case of major disasters. In April 2007, working arrangements for close co-operation between the Agency, the MIC (Monitoring and Information Centre of DG ENV European Commission), and the Secretariat of the International Charter for Space and Major Disasters were established. Accordingly if the MIC activates the Charter in the event of a major spill in European waters and/or adjacent high seas, EMSA will be appointed as the Project Manager with responsibility for the co-ordination of emergency delivery of satellite images to affected coastal state(s). This co-operation ensures fast delivery of satellite images. This contract aims to supplement the optical images provided under the Charter.

<table>
<thead>
<tr>
<th>Requirements</th>
</tr>
</thead>
<tbody>
<tr>
<td>The contractor is required to take into consideration the planning of the satellite images which will be acquired under the Charter to avoid order conflicts and/or double ordering.</td>
</tr>
</tbody>
</table>

If the tenderer has to deviate from the requirements, then the tenderer has to present equivalent terms and must justify the deviation(s). Where equivalences/options are being offered (with respect to the technical specifications), they must be duly motivated and justified.

3. Contract management responsible body

The European Maritime Safety Agency - Unit C.3: Satellite Based Monitoring Services - will be responsible for managing the contract.

4. Timetable

The kick-off meeting will be organised at the initiative of EMSA at the Agency’s premises, at the date of the signature of the framework contract by the last contracting party, or shortly thereafter. Its purpose shall be to enable all contracting parties to discuss the project to be fulfilled, as well as to agree all the details of the work to be undertaken. It is expected that the project manager of the contractor, responsible for the work to be undertaken, will be present at the kick-off meeting.

<table>
<thead>
<tr>
<th>Event</th>
<th>Date, Location</th>
<th>Comment</th>
</tr>
</thead>
<tbody>
<tr>
<td>Kick off meeting and signature of contract</td>
<td>t0</td>
<td>For appropriate lot(s)</td>
</tr>
</tbody>
</table>

---

\(^1\) http://www.disasterscharter.org/
5. **Project Planning: Software and Documents to be submitted**

The documents to be provided by the contractor are identified in the table below. The project should respect the following timetable for delivery of these documents:

<table>
<thead>
<tr>
<th>Event</th>
<th>Date</th>
<th>Comment</th>
</tr>
</thead>
<tbody>
<tr>
<td>Planning software</td>
<td>t0+4 weeks</td>
<td>For appropriate lot(s)</td>
</tr>
<tr>
<td>Planning software user guide</td>
<td>t0+4 weeks</td>
<td>For appropriate lot(s)</td>
</tr>
<tr>
<td>Emergency planning procedure</td>
<td>t0+4 weeks</td>
<td>For appropriate lot(s)</td>
</tr>
<tr>
<td>Data transmission procedure</td>
<td>t0+4 weeks</td>
<td>For appropriate lot(s)</td>
</tr>
<tr>
<td>Product description</td>
<td>t0+4 weeks</td>
<td>For appropriate lot(s)</td>
</tr>
</tbody>
</table>

6. **Value of the contract**

The maximum allocated budget for all lots together is 150,000 € excluding VAT. The budget indicated must cover all costs for the duration of the framework contract(s) (3 years), including set-up costs. Set-up costs include documentation, procedures and training activities. No additional funds will be available.

The implementation of the framework contracts through specific contracts will be binding upon EMSA. Under a framework contract arrangement, the Agency has no commitment to order a minimum amount of images.

7. **Terms of payment**

Payments shall be issued in accordance to the provisions of the draft framework contract(s) (Annex II) available under the Procurement Section relevant to the present call to tender on the EMSA website at the following address: http://www.emsa.europa.eu.

8. **Terms of contract**

In drawing up a bid, the bidder should bear in mind the terms of the draft framework contract contained in Annex II available under the Procurement Section relevant to the present call to tender on the EMSA website at the following address: http://www.emsa.europa.eu.
EMSA may, before the contract is signed, either abandon the procurement or cancel the award procedure without the bidders being entitled to claim any compensation.

9. Sub contracting

If the bidder intends to either sub-contract part of the work or realise the work in co-operation with other partners he shall indicate in his offer which part will be subcontracted, as well as the name and qualifications of the subcontractor or partner. (NB: overall responsibility for the work remains with the bidder). The bidder must provide documentation to comply with this Point.

10. Requirements as to the tender (Presenting bids to EMSA)

Bids can be submitted in any of the official languages of the EU. EMSA would however appreciate if English copies of documents requested under points 14 and 15 are included.

The tender must be presented as follows and must include:

**Signed cover letter** indicating the name and position of the person authorised to sign the contract and the bank account on which payments are to be made.

**Financial Form** completed, signed and stamped; available on the Procurement Section (Financial Form) on the EMSA Website at the following address: [www.emsa.europa.eu](http://www.emsa.europa.eu)

**Legal Entity Form** completed, signed and stamped and requested accompanying documentation, available on the Procurement Section (Legal Entity Form) on the EMSA Website at the following address: [www.emsa.europa.eu](http://www.emsa.europa.eu)

**Part A**: all the information and documents required by the contracting authority for the appraisal of tenders on the basis of the points 13.2 13.3 of these specifications (part of the 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 13.4 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 14.1 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 15.1 of these specifications;

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

A full set of all relevant supporting documentation must be submitted with each bid. The bidder should note the following very important points:

- Failure to submit relevant information by the bidder may be a ground for rejection of their bid from the procurement process.
- The responsibility lies with the bidder to verify that all documentation requested in this “Invitation to Tender” is provided. Furthermore Annex A lists all supporting documentation required for the bid.

Where equivalences and/or options are being offered by the bidder (with respect to the technical specifications), they must be duly motivated and justified.

11. Price

Bidders are requested to provide a detailed breakdown of prices. Pricing shall be done on a per image (unit) basis for image licence and image delivery. Pricing for the set-up costs (including training and documentation), which will also include any travel costs of trainers and/or managers, shall be applied per lot.

The bidder is requested to fill in the prices for the appropriate Lot as in the table below.

<table>
<thead>
<tr>
<th>Lot X</th>
<th>Price per unit (€)</th>
</tr>
</thead>
<tbody>
<tr>
<td>Satellite sensor</td>
<td></td>
</tr>
<tr>
<td>Image licence and image delivery</td>
<td></td>
</tr>
</tbody>
</table>
Lot X

<table>
<thead>
<tr>
<th>Price per lot (€)</th>
</tr>
</thead>
<tbody>
<tr>
<td>Service set-up</td>
</tr>
<tr>
<td></td>
</tr>
<tr>
<td>Service set-up: including training, set-up of emergency procedure and documentation.</td>
</tr>
</tbody>
</table>

If a bidder is awarded more than one lot, then the total amount of set-up costs awarded to the bidder will be according to the following table:

<table>
<thead>
<tr>
<th>Number of awarded Lots</th>
<th>% of awarded set-up costs</th>
</tr>
</thead>
<tbody>
<tr>
<td>1</td>
<td>100% × Y₁</td>
</tr>
<tr>
<td>2</td>
<td>80% × Σ(Y₁+Y₂)</td>
</tr>
<tr>
<td>3</td>
<td>60% × Σ(Y₁+Y₂+Y₃)</td>
</tr>
<tr>
<td>4</td>
<td>55% × Σ(Y₁+Y₂+Y₃+Y₄)</td>
</tr>
<tr>
<td>5</td>
<td>45% × Σ(Y₁+Y₂+Y₃+Y₄+Y₅)</td>
</tr>
<tr>
<td>6</td>
<td>40% × Σ(Y₁+Y₂+Y₃+Y₄+Y₅+Y₆)</td>
</tr>
</tbody>
</table>

where Yₙ = Financial set-up cost relative to Lot-N

The Agency will consider all aforementioned points as award criteria for evaluation of the bids.

As an option Bidders may also offer EMSA the price per unit for added value maps as shown in the table below. **Bidders should note that the price for the added value maps will not be taken into account in the price award criteria evaluation.**

<table>
<thead>
<tr>
<th>Lot X</th>
<th>Price per unit (€)</th>
</tr>
</thead>
<tbody>
<tr>
<td>Added value maps</td>
<td></td>
</tr>
<tr>
<td>(optional)</td>
<td></td>
</tr>
</tbody>
</table>

Prices must be quoted in Euro using (with the exception of the countries within the EURO zone) the conversion rates published in the C series of the Official Journal of the European Union on the day when the contract notice was published.

Price must be fixed amounts, non revisable and remain valid for the duration of the contract.

Under Article 3 and 4 of the Protocol on the privileges and immunities of the European Communities, EMSA is exempt from all duties, taxes and other charges, including VAT. This applies to EMSA pursuant to the Regulation 1406/2002/EC.
These duties, taxes and other charges can therefore not enter into the calculation included in the bid. The amount of VAT must be shown separately.

12. Grouping of service providers

Groupings, irrespective of their legal form, may submit bids. Bidders may, after forming a grouping, submit a joint bid on condition that it complies with the rules of competition. Such groupings (or consortia) 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.

If awarded, the contract will be signed by the company of the person heading the project, who will be, vis à vis EMSA, the only contracting party responsible for the performance of this contract. Tenders from consortiums of firms or groups of service providers, contractors or suppliers must specify the role, qualifications and experience of each member or group.

13. Necessary information from the bidder for evaluation

Information concerning the personal situation of the service provider and information and formalities necessary for the evaluation of the minimum economic, financial and technical capacity required

13.1. Legal position – means of proof required

When submitting their bid, bidders are requested to complete and enclose the Legal Entity Form and requested accompanying documentation, available on the Procurement Section (Legal Entity Form) on the EMSA Website at the following address: www.emsa.europa.eu

13.2. Grounds for exclusion

To be eligible for participating in this contract award procedure, bidders must not be in any of the following exclusion grounds:

(a) they are bankrupt or being wound up, are having their affairs administered by the courts, have entered into an arrangement with creditors, have suspended business activities, are the subject of proceedings concerning those matters, or are in any analogous situation arising from a similar procedure provided for in national legislation or regulations;

(b) they have been convicted of an offence concerning their professional conduct by a judgement which has the force of res judicata;
(c) they have been guilty of grave professional misconduct proven by any means which the contracting authority can justify;

(d) they have not fulfilled obligations relating to the payment of social security contributions or the payment of taxes in accordance with the legal provisions of the country in which they are established or with those of the country of the contracting authority or those of the country where the contract is to be performed;

(e) they have been the subject of a judgement which has the force of res judicata for fraud, corruption, involvement in a criminal organisation or any other illegal activity detrimental to the Communities' financial interests;

(f) following another procurement procedure or grant award procedure financed by the Community budget, they have been declared to be in serious breach of contract for failure to comply with their contractual obligations.

13.3. Evidence to be provided by the bidders

For this purpose the Declaration on Honour attached to this document shall be completed and signed.

Bids that do not contain such a Declaration on Honour will not be taken into consideration for the evaluation.

Please note that the bidder that to whom the contract is to be awarded shall provide additional proof evidencing eligibility

EMSA shall accept, as satisfactory evidence that the bidder is not in one of the situations described in point (a), (b) or (e) above, production of a recent extract from the judicial record or, failing that, a recent equivalent document issued by a judicial or administrative authority in the country of origin or provenance showing that those requirements are satisfied.

EMSA accepts, as satisfactory evidence that the bidder is not in the situation described in point (d) above a recent certificate issued by the competent authority of the State concerned.
Where no such certificate is issued in the country concerned, it may be replaced by a sworn or, failing that, a solemn statement made by the interested party before a judicial or administrative authority, a notary or a qualified professional body in his country of origin or provenance.

13.4. Economic and financial capacity – means of proof required
To prove their financial and economic capacity, bidders should provide with their offer:

1) the balance sheets or extracts from balance sheets and profit and loss accounts for the last three financial years for which accounts have been closed, where publication of the balance sheet is required under the company law of the country in which the bidder is established;
2) statement of overall turnover and turnover relating to the relevant services for the last three financial years.

14. Technical and professional capacity – means of proof required
To prove their technical and professional capacity applicable to the company and/or consortium bidders shall provide with their application proof of the following mandatory criteria according to the appropriate lot(s).

14.1. Means of proof required for all Lots
Evidence of entitlement
- Evidence of entitlement (including distribution rights) to provide to EMSA satellite images which meet the specifications for the appropriate lots as defined in point 2.

Operational capacity
- The bidder shall submit a description of the emergency order desk facilities with 24/7 365 day ordering capability that will be available for the contract.
- The bidder shall provide the name and CV(s) of the person(s) responsible for the management of this contract and service execution
- Because of the international nature of the contract the tender shall provide evidence to demonstrate their capabilities to offer all services under the present contract in the English language.

15. Criteria for the award of the contract
The contract will be awarded to the bidder (company or companies) who submits the most economically advantageous bid (the best quality - price ratio), as assessed on the basis of the following award criteria.
If the bidder can not meet the requirements fully, the bidder must justify any deviation and must provide documentation on what alternative level of service it can provide offering a similar quality.

15.1. Award criteria for all Lots
Award criteria which will be used to assess all lots will be weighted as follows;

- Technical award criteria as weighted by percentage (35%) and
- Price award criteria (65%)²

Only bids that have reached a total score of a minimum of 40% for each criterion will be taken into consideration for awarding of the contract.

15.1.1. Technical award criteria for all Lots
The technical requirements for all Lots are contained within Point 2 of this document.

Quality and completeness of the workflow - Emergency satellite image planning and ordering procedure (15%)
An order desk should be ready to accept emergency calls on a 24/7 365 days of the year. The bidder shall provide documentation describing the service workflow for emergency image planning and ordering in accordance to the requirements defined (points 1-7) in point 2.2. The workflow will be evaluated according to its quality and completeness.

Availability and delivery of satellite image (10%)
The contractor shall state the time from placing the order to the first possible image acquisition by the satellite. This time shall be taken into account in the evaluation, and shorter times will be evaluated higher.

Full resolution images shall be transmitted to EMSA via FTP within 24 hours after satellite acquisition. If images can be transmitted sooner then the bid will be evaluated higher.

Post-processed added value information (5%)
If the bid contains the offer to provide post-processed information maps (added value products), the bidder must submit an example of such product in the context of an oil spill incident. The quality of the product and the time for delivery (after

² The score for the price award criteria will be calculated according to the following formula: \[ \text{Score} = \frac{\text{Lowest Bid}}{\text{Bid to compare}} \times 65 \]
acquisition) of the post-processed information map will also be taken into account in the evaluation. This criterion is not taken into account for the price evaluation.

Additional equivalent sensors (5%)

If the bid contains the offer to provide an optional equivalent sensor for a particular lot this will be taken into account in the technical evaluation. An optional equivalent sensor may offer a technical advantage in terms of improved coverage over an area of interest. This criterion is not taken into account for the price evaluation.

15.1.2. Price award criteria for all Lots

Evaluation of the price will be made according to the following scenario:

    Price to be compared =  Set-up Costs + 20 image units per year

16. Contracts will not be awarded to bidders under special circumstances

Contracts will not be awarded to bidders who, during the procurement procedure:
(a) are subject to a conflict of interest;
(b) are guilty of misrepresentation in supplying the information required by the contracting authority as a condition of participation in the contract procedure or fail to supply this information.

17. False declarations by bidders

Without prejudice to the application of penalties laid down in the contract, bidders and contractors who have been guilty of making false declarations concerning situations referred to in point 15 above or have been found to have seriously failed to meet their contractual obligations in an earlier procurement procedure or grant shall be subject to Administrative and financial penalties set out in Article 133 of Commission Regulation 2342/2002 of 23/12/2002. (OJ L 357 of 31/12/2002).

18. Other information

Bidders are requested to:

- Indicate in the cover letter the name and position of the person authorised to sign the contract
- Complete and submit the Company Financial Identity Form available on the EMSA web site under the “Procurement” section.(http://www.emsa.eu.int)
19. Retention of tenders
Any document submitted in reply to this Invitation to Tender shall become the property of the Agency, which will use proprietary information solely for the purpose of the evaluation of the Tender.

20. No reimbursement of tender expenses
Expenses incurred in the preparation and dispatch of the Tender will not be reimbursed.

21. Information resources
Companies/consortia can consult the websites and documents listed below for further information on oil spill response operations and technical aspects to be considered. The list is not exhaustive.

- CleanSeaNet website: http://cleanseanet.emsa.europa.eu
- EMSA website: http://www.emsa.europa.eu ➔ “Oil Pollution Response” section
  Through the “Oil Pollution Response” section there is access to a range of “hyperlinks” and “documents”.
- European Commission (DG Environment/Civil Protection Unit)
  http://europa.eu.int/comm/environment/civil/index.htm ➔ “Marine Pollution” section
- INSPIRE Initiative
  http://inspire.jrc.it
- ISO-Standards on Geographic Information/Geomatics
  http://www.isotc211.org/
- CEN-Standards
  http://www.cenorm.be
- Open Geospatial Consortium
  http://www.opengeospatial.org/