

ANNEX I - TENDER SPECIFICATIONS

Attached to Invitation to tender No EMSA/NEG/32/2014 for the purchase of labels

1. Introduction

The European Maritime Safety Agency (EMSA) was established under Regulation 1406/2002/EC of the European Parliament and of the Council to contribute to the enhancement of European maritime safety.

Among its tasks, the Agency received the mandate to “work with the Member States to support with additional means, in a cost efficient way, the pollution response actions in case of pollution caused by ships as well as marine pollution caused by oil and gas installations, when a request has been presented” (Art. 2 (3) d of Regulation 1406/2002/EC as amended by Regulation (EU) N.100/2013)¹.

In light of this mandate, the Agency developed a pollution assets management system for the codification of different categories of oil spill response (OSR) equipment that is used for the performance of pollution response services.

2. Objective, scope and description of the contract

2.1 Overall objective

The primary objective of this negotiated procedure is to purchase labels to be fixed on the OSR equipment that is managed by the Agency for the execution of pollution response services.

The labels must be marked with the EMSA logo and specific ID number provided by EMSA.

2.2 Scope and description of the contract

The scope of this negotiated procedure is to conclude one framework contract for the supply of labels. The duration of the framework contract will be of four years. Nevertheless, the signature of the framework contract does not constitute order *per se* and does not entail any obligation on the part of the Agency to purchase.

The framework contract will lay down the overarching legal, financial, technical and administrative provisions governing the relationship between EMSA and the labels supplier (contractor) during the period of validity of the framework contract. Actual order will be placed

¹ EMSA's Action Plan for Oil Pollution Preparedness and Response (2004), as well as the Action Plan for Response to Marine Pollution from Oil and Gas Installations (2013), as updated by the annual Work Programmes of the Agency, identify how to implement these tasks. These documents are available on the Agency's website: <http://www.emsa.europa.eu> under "Publications".

after the framework contract is signed and in force through specific order form concluded upon initiative of the Agency. The order form will be in line with the conditions laid down in the framework contract itself and will set the terms of supply of the labels (i.e. quantity and type of labels).

In addition, the Agency will provide the Inventory of oil pollution assets as annex to a specific order form. For each item listed in the Inventory, EMSA will indicate the type of labels to be manufactured (as described in point 2.3 below), as well as the quantity of labels (more than one label may be produced for the same item in relation to its technical characteristics) and a unique consecutive serial number of 4 digits (ID code) to be marked on top of the labels along with the EMSA logo.

2.3 Detailed requirements regarding the technical characteristics of the labels

Considering the different technical characteristics of the items to be labelled, the Agency identified three types of labels to be manufactured.

a) Label type A

	<ul style="list-style-type: none"> • This type of label will be fixed on OSR items made from steel and provided with a suitable surface enough to fix a characteristic nameplate like cranes, skimmers, boom reels, pumps or containers. • Labels shall be made from 304 stainless steel (or equivalent) plates. • Size of label: 75 x 45 mm • EMSA logo and 'ID code' shall be mechanically engraved. • EMSA logo and 'ID code' shall be highlighted with resistant black paint. • Stainless steel (or equivalent) rivets shall also be supplied together with the labels (supporting fittings).
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b) Label type B

	<ul style="list-style-type: none"> • This type of label will be fixed on OSR items made from oil resistant rubber hoses (hydraulic hoses, discharge hoses) PVC coated polyester, heavy duty neoprene rubber and heavy duty polyester coated with a blend of PVC (like containment booms). • This type of label shall be made from 316 stainless steel (or equivalent) individual letters and numbers. The EMSA name and the ID number shall be made of pieces on a metallic strap with pre-punched individual characters, and fixed with bridles. • Size of label: 195 x 10 mm. • This type of modular labels must be fastened with a couple of 304 Stainless steel (or equivalent) cable ties, forming a low profile single wrapped assembly (supporting fittings). • Size of cable ties: 185x0,5 mm.
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c) Label type C

	<ul style="list-style-type: none"> • This type of label will be fixed on OSR items including testing apparatus, hardware, communications equipment or kit of items in bulk like plastic boxes and where installation of type A labels is not possible. • Labels shall be made from 304 stainless steel (or equivalent) plates. • Size of label: 75 x 45 mm. • EMSA logo and 'ID code' shall be mechanically engraved. • EMSA logo and 'ID code' shall be highlighted with resistant black paint. • Labels shall be secured with a 304 stainless (or equivalent) steel cable tie, forming a low profile single wrapped assembly (supporting fittings). • Size of cable ties: 185x0,5 mm.
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3. Contract management responsible body

The European Maritime Safety Agency – Unit C.1, in charge of Pollution Response Services – will be responsible for managing the contract.

4. Project Planning

The major milestones along with the execution of the framework contract are shown in the table below:

Event	Comment	Time
Signature of the framework contract	End of the negotiated procedure.	November 2014.
Dispatch of the order form to the contractor	Two originals of the order form will be signed by EMSA and will be sent to the contractor.	Upon EMSA initiative.
Return of the order form to EMSA	The contractor will return one original of the order form to the Agency duly signed and dated.	Within 14 days from the dispatch.
Type of labels, quantity and ID Code relevant for a specific order	EMSA will indicate the type of labels and the exact number in the order form. EMSA will also provide the Inventory of oil pollution assets with individual ID codes for each item in the list to be marked	The labels shall be delivered at EMSA premises within 30 days from the signature of the order form by the contractor.

Event	Comment	Time
	on top of the labels.	
Certificate of conformity	Following the delivery EMSA will verify the conformity of the labels with the contract.	Within 30 days after the date of delivery.
Payment	The contractor will submit the relevant invoice subject to the issue of the certificate of conformity.	EMSA will pay within 30 days from the date of receipt of the invoice.

Tenderers that do not comply with the above time table might be excluded from the evaluation.

5. Timetable

The estimated date for signature of the framework supply contract is November 2014.

6. Estimated Value of the Contract

The maximum budget available for this contract is of 50.000 Euro excluding VAT.

7. Terms of payment

Payment will be made in accordance with the provisions of the draft framework contract available in the Procurement Section under the call to tender EMSA/NEG/32/2014 on the EMSA website at the following address: www.emsa.europa.eu

8. Terms of contract

In drawing up a bid, tenderers should bear in mind the terms of the draft framework contract. EMSA may, before the contract is signed, either abandon the procurement or cancel the award procedure without the tenderers being entitled to claim any compensation.

9. Subcontracting

If the tenderer 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 tenderer).

10. Requirements as to the tender

Bids can be submitted in any of the official languages of the EU. The working language of the Agency is English. Bids must include an English version of the documents requested under point 14 of the present tender specifications.

The tenderer shall complete Tenderer's checklist (Annex V to the Invitation to tender).

If the tenderer intends to either sub contract part of the work or realise the work in co-operation with other partners (Join Offers) he shall indicate in his offer by completion of the form – Information regarding joint offers and subcontracting.

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/Order Form 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

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

Tenderers are exempt from submitting the Legal Entity Form and Financial Form requested if such a form has already been completed and sent either to EMSA or any EU Institution previously. In this case the tenderer should 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, 13.3** 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 **Technical 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 **Quality Award Criteria** set out under point **14** of these specifications;

Part D: setting out **prices** in accordance with **point 11** in order to assess the tenders on the basis of the **Price Award Criteria** set out under point **14** of these specifications.

11. Price

- The price for the purchase of labels shall be indicated in accordance with the Bid Template (Annex II to the invitation to tender) and shall include:
 - The unit price per each category of label (A, B and C as described in point 3 above), including the supporting fittings;
 - The cost to deliver the labels from the production factory to EMSA premises in Lisbon (for each order, considering an order up to 500 labels).
- Prices may be revised according to the conditions set under article I.3.2 of the draft framework contract (Annex III to the invitation to tender).
- Prices must be quoted in euro.
- Under Article 3 and 4 of the Protocol on the privileges and immunities of the European Communities, the latter is exempt from all duties, taxes and other charges, including VAT. This applies to EMSA pursuant to the Regulation 1406/2002/EC. Therefore price and the amount of VAT must be shown separately.

12. Joint Offer

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 (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.

Each member of the consortium 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 consortium will be checked to ensure that the consortium as a whole fulfils the criteria.

If awarded, the contract will be signed by the person authorised by all members of the consortium. 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. Information concerning the personal situation of the service provider and information and formalities necessary for the evaluation of the minimum economic and financial

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 on the EMSA Website at the following address: www.emsa.europa.eu.

13.2. Grounds for exclusion – Exclusion criteria

To be eligible to participate in this contract award procedure, tenderers 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 tenderers

For this purpose the Declaration on Honour available on the Procurement Section on the EMSA Website (www.emsa.europa.eu) shall be completed and signed.

13.4. Technical capacity – Selection criteria

Requirements: The tenderer must have solid experience in production of labels.

Evidence: Detailed information about the accomplishment of similar projects in the past for the production of labels.

14. Award criteria

Only the tenders meeting the requirements of the exclusion and selection criteria will be evaluated in terms of quality and price.

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:

Quality Award Criteria		
Q	Quality of labels and supporting fittings to be assessed in accordance with the technical requirements described under point 2.3 above based on a description of the characteristics in the bid template and a sample of each type of label and related fittings sent with the bid.	50%

and the price criteria and associated weighting:

Price Award Criteria		
P	Price of the bid	50%

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

$$SP = \sum_i \frac{\text{lowest Price}_i \text{ of all bids}}{\text{Price}_i} * 100 * W_{\text{Price}_i}$$

Only bids that have reached a minimum of 60% for the score S (Technical and Price Award criteria) will be taken into consideration for awarding the framework contract.

15. Contracts will not be awarded to tenderers 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.

16. False declarations

Without prejudice to the application of penalties laid down in the contract, tenderers and contractors who have been guilty of making false declarations concerning situations referred to in points 12 and 13 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 145 of Commission Delegated Regulation of 29.10.2012 on the rules of application of Regulation (EU) No 966/2012 of the European Parliament and of the Council on the financial rules applicable to the general budget of the Union.

17. 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 should be clearly pointed out by the tenderer in the tender. Information should be provided about the scope of pre-existing rights, their source and when and how the 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.