

**Tender Specifications
attached to the Invitation to tender**

**Invitation to tender N° EMSA/NEG/36/2014 for the provision of Vessel Traffic
Services (VTS) Trainings**

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 upon the request of the Commission, provides technical assistance, including the organisation of relevant training activities, as regards relevant legal acts of the Union, to States applying for accession to the Union, to European Neighbourhood partner countries and to members of the Paris Memorandum of Understanding on Port State Control (Paris MoU).

In the framework of the SAFEMED III project (Euro-Med Cooperation on Maritime Safety and Prevention of Pollution from Ships) which EMSA implements according to a contract with the European Commission (DG DEVCO), the Agency performs a number of actions aimed at enhancing maritime safety, security and marine environmental protection in the SAFEMED III beneficiary countries (Algeria, Egypt, Israel, Jordan, Lebanon, Libya, Morocco, Palestine, Syria and Tunisia), including trainings tuned to their needs.

The European Union shares the Mediterranean Sea with neighbouring countries. It consequently shares all the risks related to the potential accidents in this area. Therefore reducing such risks is of high priority for the Union. It is globally acknowledged (through SOLAS Chapter V Safety of Navigation, Regulation 12) that VTS contribute to safety of life at sea, safety and efficiency of navigation and protection of the marine environment and play important role in the prevention of accidents and pollution in areas which are congested or hazardous for shipping. VTS allows identification and monitoring of vessels, strategic planning of vessel movements and provision of navigational information and assistance. It can also assist in prevention of pollution and coordination of pollution/emergency response. The availability of sufficient, appropriately qualified, suitably trained and capable of performing the required tasks staff in VTS is crucial to its proper functioning. The SAFEMED III project foresees training in the field of vessel traffic monitoring and information systems for those beneficiary countries for which such needs have been identified.

2. Objective, scope and description of the contract

2.1. Objective of the contract

The overall objective of this service framework contract is to ensure that the SAFEMED III beneficiary countries have sufficient number of suitably trained and appropriately qualified VTS operators, VTS supervisors and VTS On-the-Job Instructors that are capable of performing their duties at the respective level of responsibility in a VTS centre thus assisting the beneficiary countries to establish and operate properly functioning VTS centres.

2.2. Scope of the contract

Within the scope of the contract the contractor shall provide specialised training courses at the three levels of responsibility of VTS staff:

- VTS Operator
- VTS Supervisor
- VTS On-the-Job Training Instructor

The training courses shall, as much as possible, reflect the guidelines set out in the IALA (International Association of Marine Aids to Navigation and Lighthouse Authorities) Recommendation V-103.

Each training course may involve the delivery of one or more training sessions (for further information, please, see point **2.4** below).

The training sessions shall ensure that participants are provided with theoretical and practical knowledge concerning the role and functions of the VTS. Moreover the courses shall stimulate a sense of responsibility, watchfulness and precision that characterises a competent VTS operator.

The proposed training syllabus for each of the trainings (VTS Operator, VTS Supervisor and VTS On-the-Job Training Instructor) shall be included in the tender.

Each VTS training session shall begin with a written assessment test and shall end with the evaluation to verify that the participants have acquired the knowledge delivered during the training. After each training session the participants will obtain either certificate of success or certificate of participation (the latter in case of being unsuccessful at the end-course evaluation test).

2.3. Profile of the participants

The participants to the trainings will be representatives of the SAFEMED III beneficiary countries and will have maritime background. They will be either working or expected to be employed in the VTS centres. Only participants with an adequate level of English and maritime background will be invited.

2.4. Organization and duration of the training sessions

EMSA shall give two months' notice for the planned training sessions by sending the relevant Order Form. The participants will be invited by EMSA. The list of participants

will be provided to the contractor no later than one week before the beginning of each training session.

The minimum number of participants in each training session shall be 4 persons and the maximum shall be 10 persons.

Each training session shall not exceed two weeks (i.e., 10 working days) starting on Monday and finishing on Friday.

The indicative number of training sessions to be delivered per course is as follows:

- VTS Operator training course – 3 sessions
- VTS Supervisor course – 1 session
- VTS On-the-Job Instructor course – 1 session

However the number of sessions effectively ordered may vary depending on the exact needs of the beneficiary countries and the availability of funds.

2.5. Language of the training sessions

VTS trainings and all relevant training materials shall be delivered in English.

2.6. Location of the trainings, facilities and logistics

The VTS training sessions shall be delivered at appropriately equipped premises of the contractor located within the territory of the European Union.

When delivering the VTS trainings the contractor shall:

- provide adequate lecturing facilities;
- conduct part of the trainings with the use of a VTS simulator;
- provide relevant equipment for the delivery of the lectures such as computers, beamer, flipchart, etc.
- provide stationery (notepads and pens for each participant);
- provide relevant training materials (textbooks, technical papers, training syllabus and training programme) to the participants;
- provide all the relevant training materials on CD (or DVD or USB stick) to the participants.

3. Contract management responsible body.

The European Maritime Safety Agency – Department B.0.2 “Training and Cooperation” – will be responsible for managing the contract.

4. Project Planning

Not applicable

5. Timetable

The estimated date for signature of the contract is mid October 2014.

The dates of the training sessions will be decided in agreement with the contractor at a later stage.

The contractor shall provide EMSA with a report within 3 weeks after each training session is completed. The training session report shall contain as a minimum the following information:

- type of training;
- the number and names of participants;
- daily signed by the participants' attendance list;
- topics covered;
- detailed course evaluation based on the assessment of participants and results of the evaluation tests.

6. Estimated Value of the Contract

The maximum budget available for this contract is of 60.000 Euro excluding VAT.

7. Terms of payment

Payment 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/36/2014 on the EMSA website at the following address: www.emsa.europa.eu

8. Terms of contract

In drawing up a bid, the tenderer should bear in mind the terms of the draft framework service 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).

If the tenderer relies on the capacities of subcontractors to fulfil selection criteria as specified in point **13.5** (technical and professional capacity) then each subcontractor must provide the required evidence for the exclusion and selection criteria. To rely on the capacities of a subcontractor does not mean that the contractor has to use deliveries or services of another company but that this company and its special capacity is central to the capacity of the contractor to fulfil the contract and that it cannot be easily changed or replaced. 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 fulfils the criteria.

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 points **13.5 & 14** of the present tender specifications.

The tenderer shall complete Tenderer's checklist.

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/Purchase Order 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 and 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 and professional capacity** (part of the Selection Criteria) set out under point **13.5** 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 **Award Criteria** set out under point **14** of these specifications;

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

11. Price

Price must be quoted for the provision of Vessel Traffic Services (VTS) Trainings according to the table format below and shall include the proposed duration of the training sessions, the price for each training session in each of the training courses, as described in point **2.2** and **2.4** and the price of each of the training courses:

Title of the training course	Duration of the training session (days)	Unit price (price of training session)	Number of training sessions	Price (unit price x nr of sessions)
VTs Operator training			3	
VTs Supervisor training			1	
VTs On-the-Job Training Instructor			1	

The maximum total price of all training sessions within all training courses (as indicated in the point **2.4.**) shall not exceed 60.000 Euro excluding VAT.

- Prices must be fixed amounts and non-revisable.
- Prices must be quoted in euro.
- Prices must not include lunches, accommodation and travel costs of the participants.
- 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 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 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. Economic and financial capacity – Selection criteria – Not applicable

13.5. Technical and professional capacity – Selection criteria

Requirements:

The tenderers shall be accredited by their respective national competent authority to deliver Vessel Traffic Service trainings based on the procedures set out in IALA (International Association of Marine Aids to Navigation and Lighthouse Authorities) Recommendation V-103.

Trainers should be professionally and academically qualified in the task and shall have experience in providing lectures on the topics described in **2.2** and should have delivered such courses before in English.

Evidence:

The tenderers shall provide evidence of its accreditation to deliver VTS trainings based on the procedures set out in IALA Recommendation V-103.

The tenderer shall provide evidence of expertise in delivering VTS trainings in accordance with IALA Recommendation V-103/1. Such evidence of the knowledge and experience in the field mentioned above shall be provided on the basis of a list of training which the tenderer has provided in the past three years (detailed list of trainings, etc.).

The tenderers should provide with their bid detailed curriculum vitae of each trainer who will be delivering the training under the contract. The curriculum vitae shall include the educational background, degrees and diplomas, professional experience, research work, publications and linguistic skills (English).

During the framework service contract the tenderer can propose the replacement of a proposed trainer with a new one having the equivalent qualification and skills. In such a case the tenderer will provide EMSA with the curriculum vitae including the educational background, degrees and diplomas, professional experience, research work, publications and linguistic skills (English) of the trainer proposed for the replacement. However, trainers can only be replaced upon approval of EMSA.

The tenderers should provide with their bid an example of the certificate of success and certificated of participation that will be provided after each training session to the participants.

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:

1. Quality criterion 1 ($W_1 = 40\%$),

Quality of the training programme, methodology for providing the course including the quality of practical exercises/case studies: the bid must include detailed syllabus, indicating at least the number of lectures and practical exercises (case studies) and/or other forms of providing the training, including a detailed description on the content and objectives of each topic, a description of the training materials provided;

2. Quality criterion 2 ($W_2 = 30\%$),

Quality of the training team: the bid must include a detailed description of the way in which the proposed team is to be organised in order to deliver expected results per topic, its reporting system and the team leader; the trainers involved per topic also have to be indicated in the bid.

and the price criterion and associated weighting:

3. Price of the bid ($W_{Price} = 30\%$).

Price of the bid is the sum of the prices of all training sessions within all training courses (as indicated in the point **2.4.**).

Price of the bid = Price of the 3 training sessions of VTS Operator training + Price of 1 training session of VTS Supervisor training + Price of 1 training session for VTS On-the-Job Training Instructor

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 , a minimum of 60 % for Q_2 , etc. 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 70 % for the score S will be taken into consideration for awarding the 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.