

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

### **Invitation to tender N° EMSA/NEG/48/2014 for “Installation of showers in the floor -1 of EMSA building”**

#### **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.

#### **2. Objective, scope and description of the contract**

The objective of this contract is the installation of showers in EMSA building on the floor-1, according to the plans presented in Annex A.

For the execution of this task EMSA requests the delivery of projects -“Water and switch alteration projects related with the -1 bathroom removal” and documents - described in Annex B.

Detailed scope of work for installation of the showers is listed in Annex C of the Tender Specifications.

##### **2.1 Delivery of projects - “Water and switch alteration projects related with the -1 bathroom removal”**

According to the plans presented in Annex A for the installation of showers, EMSA requests from the tenderer the delivery of documents described in Annex B (authorisation, certificates of responsible consultant, description of proposed solution, calculations as well as relevant drawings/projects, e.c.t.)

The tenderer should attach items listed in Annex B to the offer.

##### **2.2 Characteristics of the proposed material:**

The proposed materials must be in conformity with the specifications described in Annex C.

##### **2.3 Delivery and installation**

The contract includes the supply, delivery and assembly of items in Annex C. This means that the contractor shall not only deliver the items but also:

- Dismantle and removal from the building the construction waste coming from the demolitions, disposing of it in an appropriate way in accordance to Portuguese law;
- Assemble and place the new items;
- Do all the necessary works, including electrical, water or sewage connections, that might be needed for the correct installation of all the items listed in the designated places;

The tenderer should protect the areas around the intervention from the potential damages caused by the works.

Tenderers are strongly encouraged to visit EMSA's premises and check if they would need any additional technical information as well as technical infrastructures or accessories in order to fulfil the works properly. If so, this should be specified in their offer.

## **2.4 Warranty**

The tenderer shall warrant the functioning of the supplies for at least two years. If the tenderer can provide a warranty for a longer period, this must be specified in the technical offer.

## **3. Contract management responsible body.**

The European Maritime Safety Agency – Unit A.2.3, in charge of Facility & Logistics – will be responsible for managing the contract.

## **4. Project Planning**

Following the signature of the Purchase Order, a meeting shall be scheduled at the EMSA premises in order to present project planning of the works. The tasks shall be initiated on 22/12/2014 and concluded until 12/01/2015 at latest.

## **5. Timetable**

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

## **6. Estimated Value of the Contract**

The maximum budget available for this contract is of 30.000,00 Euro excluding VAT.

## **7. Terms of payment**

Payment will be made in accordance with the provisions of the draft Purchase Order available in the Procurement Section under the call to tender EMSA/NEG/48/2014 on the EMSA website at the following address: [www.emsa.europa.eu](http://www.emsa.europa.eu)

## **8. Terms of Purchase Order**

In drawing up a bid, the tenderer should bear in mind the terms of the draft Purchase Order

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 13.3, 13.4 & 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](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)

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 and professional 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 **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 "Installation of showers in the floor -1 of EMSA building" and shall include:
  - ✓ cost for the projects of water and sewer connection (Annex B)
  - ✓ all necessary materials, potential material surplus and all means deemed necessary for execution of the tasks
  - ✓ the associated costs of transportation in and out of the building,
  - ✓ finishing works and materials,
  - ✓ cleaning of the premises and removal of work related rubbish,
  - ✓ all labour involved



- Prices must be fixed amounts and non-revisable.
- 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 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](http://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:

- 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;
- they have been convicted of an offence concerning their professional conduct by a judgement which has the force of res judicata;
- 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](http://www.emsa.europa.eu)) shall be completed and signed.

### **13.4. Technical and professional capacity – Selection criteria**

#### **Requirement 1:**

- Technical competence to make infrastructure projects.

**Evidence 1:** Copy of the certification and/or registration

- Registration Title OE (Ordem dos Arquitectos), or
- Registration Title OE (Ordem dos Engenheiros), or
- Registration Title OET (Ordem dos Engenheiros Técnicos),

#### **Requirement 2:**

Authorization from INCI (Instituto da Construção e do Imobiliário, I.P.) for the following site construction works:

- Masonry, plastering and works on stone
- Cement plasters, paints and other finishing
- Carpentry

**Evidence 2:** Copy of the certification and/or registration

- Registration Title (título de Registo) in INCI.

### **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 that offers the lowest price.

**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.