

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

**Invitation to tender N° EMSA/NEG/56/2014 for the Purchase of Terrace Furniture**

**1. Introduction**

The European Maritime Safety Agency (EMSA) was established under Regulation 1406/2002/EC, as amended 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 EMSA headquarter is based in Praça Europa 4, in Lisbon, Portugal. The premise includes a staff cafeteria on the third floor with an outside terrace area. The objective of this contract is to award a framework supply contract to the successful tenderer who will supply and install outdoor furniture (chairs and tables) for the terrace area for approximately 60 persons. The furniture needs to be comfortable and ergonomic. The furniture needs to be suitable for outdoor use and resistant to "wear and tear" as they will be outside throughout the whole year. Additional furniture may be required for the terrace area therefore a complete catalogue and price list should be submitted.

Specifications for the evaluation of tender:

2.1: Chair specifications:

The chair frame should be an aluminium frame that is suitable for outdoor use. The chairs fabric should be suitable for outdoor use with fabric that dries quickly and easy to clean. Colour options that would be suitable for the chairs frame and fabric are white, coffee/mocha, champagne, silver, black, khaki, slate, charcoal/carbon, mercury, tungsten, manganese, aluminium, beige, grey, ice, brown, blue, and green.

Dimensions of chair: 55-60cm width, 80-85cm height and depth 60-65cm (a variation of +/- 7 cm is acceptable)

2.2: Tables specifications:

The table frame should be an aluminium frame that is suitable for outdoor use. The table tops can be either HPL (high pressure laminate), tempered glass, marble or stone. Colour options for the tables frame and tops: white, coffee/mocha, champagne, silver, black, khaki, slate, charcoal/carbon, mercury, tungsten, manganese, aluminium, marble, crystal, beige, grey, ice, brown, blue, and green. The tables can have the following dimensions:

- A. Dimensions: 150-165cm length, 90-95cm and width 68-75cm height (a variation of +/-10 cm is acceptable)
- B. Dimensions: 200-225cm length, 90-105cm and width 68-75cm height (a variation of +/-10 cm is acceptable)
- C. Dimensions: 90-95cm length, 90-95cm width and 68-75cm height (a variation of +/-10 cm is acceptable)

2.3 The tenderer needs to submit their complete catalogue with all available products with the complete price list of all products the tenderer can provide. Additional purchase orders may be placed for other items for the outdoor areas such as furniture, accessories, and repairs.

For evaluation purpose the Appendix I price table needs to be filled in.

On the basis of this Framework Contract, Purchase Orders will be issued specifying the items and quantities required.

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

The European Maritime Safety Agency – Unit A.1.2, in charge of Events and Missions Support– will be responsible for managing the contract.

### **4. Timetable**

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

After the signature of the Framework Contract, a kick-off meeting will be held at the EMSA Headquarters in order to settle all the details of the purchase order and delivery.

The Framework Supply Contract resulting from the present call for tender will have an initial duration of one (1) year as from the date of signature and shall be renewed automatically up to three (3) times under the same conditions, unless written notification to the contrary is sent by one of the parties and received by the other three months before expiry of the period indicated in Article I.2.3. Renewal does not imply any modification or deferment of existing obligations.

Implementation of the framework contract may not start before the date on which the contract enters into force.

### **5. Value of the Contract**

The maximum budget available for this contract is of 30,000 Euro excluding VAT.

## 6. 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/56/2014 on the EMSA website at the following address: [www.emsa.europa.eu](http://www.emsa.europa.eu)

## 7. Terms of contract

In drawing up a bid, the tenderer 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.

## 8. 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).

## 9. 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 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 (Joint 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 **8, 11, 12.2, 12.3** 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 **Award Criteria** set out under point 13 of these specifications;

**Part C:** setting out **prices** in accordance with **point 10** of these specifications.

## 10. Price

- Price must be quoted for purchase of terrace furniture for EMSA cafeteria shall be in accordance with the Price Table ( Appendix I)
- Prices must be fixed amounts and non-revisable.
- Prices must be quoted in euro.
- Prices must include delivery and installation to the EMSA Headquarters.
- 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.
- A complete price list of all products tender can provide should be submitted with the bid as additional purchase orders maybe placed.

## 11. 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 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.

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

### 12.1. 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).

## 12.2. 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.

## 12.3. 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. Award criteria

Only the tenders meeting the requirements of the exclusion 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 ( $W_1 = 25\%$ ),  
Quality of the product specification of proposed chair in accordance with the description given under 2.1. Quality and finishing of the proposed product. Ease of cleaning, quick dry fabric and durability of fabric/frames.
2. Quality criterion 2 ( $W_2 = 25\%$ ),

Quality of the product specifications of proposed table in accordance with the description given under 2.2. Quality and finishing of the proposed product. Ease of cleaning and durability of frames/table tops.

and the price criterion and associated weighting:

3. Price of the bid ( $W_{Price} = 50\%$ ).

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

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

Only bids that have reached a minimum of 60 % for the score  $S$  will be taken into consideration for awarding the contract.

**14. 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.

**15. 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.

**18. 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.