

EMSA/OP/05/2015
Framework contract for the supply of specialised oil pollution response equipment

Questions and Answers exchanged through the dedicated mailbox:
OPEN052015@emsa.europa.eu

Question 01 (dated 17/04/2015, 9:41):

Following the Invitation to Tender No EMSA/OP/05/2015 and in more particular concerning Annex / Lot 7 – Portable Dispersant Spraying System, we'd like to ask for how many Dispersant Systems is the request for? Additionally we'd like to ask about the duration of four years for the Framework Supply Contract. Is this the period required to deliver the Systems or it stands for another reason?

Answer to question 01 (published on 21/04/2015)

Please note that the exact quantity of equipment to be supplied for the purpose of this procurement procedure is not specified in the tender documentation. The number of equipment that might be purchased varies depending on the operational needs that EMSA may identify after the signature of the framework contract as well as on the financial resources available. In this regard, please consider that although the maximum budget set in point 6 of the Tender Specifications is EUR 7,000.000 per lot, EMSA does not expect to purchase equipment for this maximum amount. Accordingly, the budget will be adjusted to technical operational necessities that would be defined on an *ad hoc* basis.

Furthermore, as indicated in point 4 of the Tender Specifications, the seven framework contracts are planned to be signed for a period of four years. Following the signature of the framework contracts and over the entire period of contract validity, EMSA may decide to place actual orders by signing specific contracts. Specific contracts would set the quantity of equipment components to be purchased, as well as the execution of ancillary services (on-site training, commissioning and acceptance test) and the exact time and place of delivery. The time of delivery for the equipment ordered in each specific contract must not exceed 6 months from the signature.

**Questions received during the Information meeting held on 22 April 2015 in Lisbon
(EMSA premises)**

Question 02:

Please provide with clarification on how to submit a tender in which different technical solutions are proposed for a specific type of equipment (e.g. one small equipment and one bigger).

Answer to question 02

Variants within one offer, in the sense of equivalent technical solutions to the one described in the Tender Specifications, are not accepted in this procurement procedure. In case more than one technical solution is proposed for a specific type of equipment, tenderers must present separate offers by completing the relevant Annex applicable for a particular lot. Each offer with a different technical solution and description, together with the financial proposal, must be submitted in separate envelopes and will be evaluated as independent tender.

Question 03:

Please clarify the sentence highlighted in red related to the selection criteria of the Annexes that indicates "Tenders not complying with the following selection criteria will not be evaluated further". Is there no possibility for variation against the criteria?

Answer to question 03

For the selection criteria set in the annex, only tenders that comply with these requirements will be further evaluated. Tenderers are not allowed to modify any part of the text. Only the space highlighted in grey is to be completed by indicating if the proposed technical solution is in line with the selection criteria and by including comments if appropriate. For the Selection criteria and answer "No" would mean that the offer would not be evaluated further and would be rejected as non-compliant.

Question 04:

If a system works with 2 types of pumps for example how can we present the possibility for EMSA to choose the pump?

Answer to question 04

As for the definition provided in the tender specifications for each specific lot, any items different from those identified as "necessary ancillaries" could be included in the offer under the list of "other ancillaries" (quality criterion N.9). In your example: a pump could be offered as essential part for the operation of the system and other pumps of different types or/and capacities could be offered as "other ancillary". On the contrary, if two different types of pumps could be considered as primary option to make the system work, there should be considered two different technical solutions. As indicated in answer N.2, different technical solutions for the same type of equipment must be submitted as separate tenders in separate envelopes.

Question 05

Does EMSA provide with any guidelines for performing the Factory Acceptance Test (FAT) in particular taking into account the high costs to test the performance of large equipment?

Answer to question 05

No, there are no guidelines provided by EMSA in relation to the performance of the FAT.

The description of the methodology that is implemented during the FAT is a quality award criterion (Q6) for the evaluation. Accordingly, for each lot, tenders have to fill in the Annex by indicating all the information relevant for the assessment of this element. When drawing up this part of the offer, tenderers need to carefully assess all the costs and benefits associated to the standard FAT that will be always requested by EMSA in

implementing the contract. In addition, there is always the option of adding “extra” test (i.e. at sea deployment using assisting vessels) as other ancillary under quality criterion number 9.

Question 06:

What kind of evidences needs to be provided to comply with the selection criterion related to the experience in the field of OPR equipment manufacturing?

Answer to question 06

As per point 14.5 of the tender specifications, to demonstrate their technical capacity, tenderers have to provide a list of customers and projects concluded in the last five years encompassing delivery of OPR equipment, commissioning and on-site training service.

Question 07:

Would EMSA admit to this procurement procedure any tenders received from companies that are not based in EU Member States?

Answer to question 07

Tenders received from legal entities established in an EU or EFTA country will be admitted, even if their mother company is established in a third country. Tenderers that are not established in one of the EU Member States, nor EFTA country will be admitted to a public procurement launched by EMSA only if a multilateral or bilateral international Agreement has been officially signed between the EU and their Countries (e.g. Agreement on government procurement concluded within the WTO) and the type and value of the service is included in that agreement. On the other hand, tenderers are free to choose their subcontractors from any country.

Question 08:

Will compliance with the EU Machine Directive be checked? How will EMSA assess the safeness of the equipment offered in the tenders?

Answer to question 08

All the certificates relevant to prove the safeness of the technical components that are issued by recognised organisations will be considered as proof of compliance with the EU legislation.

All the relevant certificates need to be submitted in the tender and will be taken into account in the evaluation process.

Question 09:

Is a submission by email only acceptable?

Answer to question 09

No. Offers should include an electronic copy submitted either by Email or on a memory stick or disc, but the paper original should also be submitted by respecting the formal requirements of the invitation to tender letter. Tenders not respecting those requirements will not be accepted for evaluation.

Question 10:

How to separate the documents in case more than one technical solution is proposed for a specific type of equipment?

Answer to question 10

Tenderers have to submit the documents by separating them in different parts (from A to D) as identified in the Bid Template (Enclosure 5 to the Tender Specifications) and point 11 of the tender specifications.

In case a tenderer is submitting offers for different lots or different offers for one lot, different parts D should be sent for each of them but parts A, B and C do not need to be resubmitted in each envelop, but only in one of them. This should be clearly indicated in the cover letter submitted with each offer.

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Question 11 (dated 21/05/2015, 13:47):

Is it possible to offer two 20ft. containerized basement in annex 5?

"The whole system must be designed in such a way that it can be installed, deployed and operated from a vessel fitted with twist-locks for standard ISO containers (i.e. 10 or 20 feet)".

Answer to question 11

With reference to your question, please note that a proposal including more than one 20 feet ISO container would be considered admissible and in line with the technical requirements that are specified in Annex 5. In this regard, tenderers may offer more than one ISO certified container if this is deemed necessary in relation to the technical characteristics of the equipment.

Question 12 (dated 22/05/2015, 8:36):

"Concerning the Invitation to Tender No EMSA/OP/05/2015 and in more particular concerning Annex/Lot 7 – Portable Dispersant Spraying System, we'd like to ask in the name of simplicity of the operation, if it is acceptable to offer a diesel driven pump or an hydraulic system / pump should be offered".

Answer to question 12

Please note that the two technical solutions that you mention in your e-mail would be considered admissible. In the summary of Annex 7 it is indicated that: *"All suitable components should be hydraulically driven"*. However, any comparable system would be considered as an acceptable technical solution provided that this meets the technical requirements set in the tender documentation.

Furthermore, please be reminded that as per point 11 of the Tender Specifications, tenderers may decide to propose more than one technical solution for a specific type of equipment. In this case, tenderers must present separate offers by completing the relevant Annex applicable for a particular lot. Each offer with a different technical solution and description, together with the financial proposal, must be submitted in separate envelopes and will be evaluated as independent tender.

In drawing up your tender, please also consider that any technical solution alternative to a specific component may be included in the tender as "other ancillary" under quality criterion number 9. All the components offered

as “other ancillaries” will be taken into account for the evaluation of the quality of the equipment. However, their prices (to be indicated in point 3 of Annex 7) will not be considered for the evaluation process.

Question 13 (dated 31/05/2015, 22:36):

Which address must we consider to offer the transport of the goods?

Answer to question 13

As indicated in point 2.1 of the Tender Specifications, EMSA intends to purchase oil pollution response equipment to be delivered in one of the European Union or European Free Trade Association (EFTA) countries. EMSA will identify the place of delivery within each specific contract to be signed with the equipment supplier, who will calculate the exact amount of the transportation cost. Such price should respect the maximum price per Km transportation (road transport) indicated in the Price Offer Template (point 3 of the Annex corresponding to a specific lot).

Question 14 (dated 01/06/2015)

We know that there are bilateral and multilateral Agreements between EU and US. Could you confirm that a US company is allowed to bid for this tender directly without VAT number, please? [...]

Answer to question 14

Please note that EMSA has not entered into any international agreement in the field of public procurement with US. Nevertheless EMSA may exceptionally accept tenderers coming from ‘third countries’ in a particular procurement procedure without creating a precedent or obligation for the future. Any ad hoc acceptance will be adequately justified.

As a principle any such acceptance should happen only for purchase made on specific markets where there are no economic operators based in eligible countries or when delivery takes place in a non-eligible country itself.

It is also worth noting that if you decide that your EU based dealer office should submit the tender, the accounts and turnovers of the mother company need to be included in the tender documentation.

Published on 03/06/2015

Requests for additional information regarding this tender should be sent by e-mail to the following address OPEN052015@emsa.europa.eu. Requests for additional information received less than five working days before the closing date for submission of tenders will not be processed.

*The deadline for submission of the bids of this tender is **05 June 2015**.*

Responsibility for monitoring the Agency’s website for replies to queries and/or further information remains with potential applicants.