

Lisbon, 25 JUN 2015

INVITATION TO TENDER N° EMSA/NEG/28/2015

(Negotiated procedure with minimum 3 or 1 candidates)

Dear Sir/Madam,

1. The European Maritime Safety Agency (EMSA) is launching an invitation to tender regarding Express mail services.
2. Tenderers who wish to submit an offer are invited to send to the Agency a bid duly signed by their authorised representative, together with three (3) copies of their bid, strictly identical to the original bid (total: 1 original and 3 copies). Bids can be submitted in three different ways:

(a) either by registered post

in this case the bid should be posted not later than 11th September 2015 (the stamp of the **post office** acting as proof).

(b) or by hand-delivery

in this case hand delivery should be made not later than 17h00 (Lisbon local time) on 11th September 2015.

A dated and signed receipt issued by an official of EMSA **has to be requested by the person delivering the bid** as proof of delivery of the bid.

(c) or by private courier service to the European Maritime Safety Agency

in this case the bid should be 'deposited' with the private courier service not later than 11th September 2015 (the slip issued by the private courier services acting as proof).

In whichever form the bid is submitted, the following address should be used:

European Maritime Safety Agency

Mr João Freitas
Praça Europa 4
1249-206 Lisbon
Portugal

3. Bids must be submitted in two envelopes, one inside the other. Both envelopes are to be sealed. The inner envelope must be marked as follows:

Call for tenders N°. EMSA/NEG/28/2015

NOT TO BE OPENED BY THE INTERNAL MAIL DEPARTMENT

To the attention of Mr João Freitas

The outer envelope should be marked as follows:

Call for tenders N°. EMSA/NEG/28/2015

To the attention of Mr João Freitas

If self-sealed envelopes are used, they should be closed by adhesive tape with the sender's signature written across it.

4. Tenders must be
 - signed by the tenderer or his duly authorised representative;
 - perfectly legible so that there can be no doubt as to words and figures;
5. Period of validity of the tender, during which tenderers may not modify the terms of their tenders in any respect shall be until 31/12/2015.
6. Submission of a bid implies full acceptance of the draft contract attached to this invitation to tender and, where appropriate, waiver of the tenderer's own general or specific terms and conditions. These requirements are binding on the tenderer to whom the contract is awarded for the duration of the contract.
7. The specification, listing all the documents that must be produced in order to tender, including supporting evidence of economic and financial capacity and the draft contract are available under the Procurement Section relevant to the present call to tender on the EMSA website at the following address: www.emsa.europa.eu
8. Contacts between the contracting authority and tenderers are prohibited throughout the procedure save in exceptional circumstances and under the following conditions only:

Before the final date for submission of tenders:

At the request of the tenderer, EMSA may provide additional information solely for the purpose of clarifying the nature of the contract.

Any requests for additional information must be made in writing and sent to the following e-mail address: NEG282015@emsa.europa.eu.

EMSA is not bound to reply to requests for additional information made less than five working days before the deadline for submission of tenders.

EMSA may, on its own initiative, inform interested parties of any error, inaccuracy, omission or any other clerical error in the text of the call for tenders.

Any additional information including that referred to above will be [published on EMSA website in the Procurement section]

After the opening of tenders

If clarification is required or if obvious clerical errors in the tender need to be corrected, EMSA may contact the tenderer provided the terms of the tender are not modified as a result.

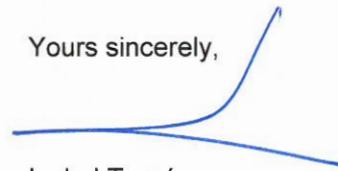
In case of negotiated procedure, EMSA may negotiate with tenderers the offers they have submitted, in order to adapt them to the requirements set out in tender specifications or any additional document and in order to find the tender offering best value for money. During negotiations equal treatment of all tenderers will be ensured.

9. Public Procurement rules applying to calls for tender launched by EMSA are contained in the EMSA Financial Regulation under the Financial Regulation section on the EMSA website (www.emsa.europa.eu).
10. This invitation to tender is in no way binding on EMSA. EMSA contractual obligation commences only upon signature of the contract with the successful tenderer.
11. Up to the point of signature, the contracting authority may either abandon the procurement or cancel the award procedure, without the candidates or tenderers being entitled to claim any compensation. This decision must be substantiated and the candidates or tenderers notified.
12. Once EMSA has opened the tender, the document shall become the property of EMSA and it shall be treated confidentially.
13. Tenderers will be informed of the outcome of this procurement procedure by email or fax. It is the tenderers' responsibility to provide a valid email address and fax number together with your contact details in your tender offer and to check it regularly.
14. If your offer includes subcontracting, it is recommended that contractual arrangements with subcontractors include mediation as a method of dispute resolution.
15. Processing your reply to the invitation to tender will involve the recording and processing of personal data (such as your name, address and CV). Such data will be processed pursuant to Regulation (EC) No 45/2001 on the protection of individuals with regard to the processing of personal data by the Community institutions and bodies and on the free movement of such data. Unless indicated otherwise, your replies to the questions and any personal data requested are required to evaluate your tender in accordance with the specifications of the invitation to tender and will be processed

solely for that purpose by the Head of Unit A.2. Details concerning processing of your personal data are available on the privacy statement "Information on personal data protection in procurement procedures" at: <http://www.emsa.europa.eu/about/personal-data-protection.html> Tenderers will be informed by the Agency whether or not their bids have been accepted.

16. Your personal data may be registered in the Central Exclusion Database (CED) by the Accounting Officer of the Commission, should you be in one of the situations mentioned in the Commission Regulation 2008/1302 of 17.12.2008 on the Central Exclusion Database (for more information see the Privacy Statement on: http://ec.europa.eu/budget/library/explained/management/protecting/privacy_statement_ced_en.pdf)

Yours sincerely,

A blue ink handwritten signature that starts with a horizontal line, then curves upwards and to the right, ending in a small arrowhead.

Isabel Torné
Head of Department
Corporate Services

Tender Specifications

Attached to the Invitation to tender

Invitation to tender N° EMSA/NEG/28/2015 for Express mail services

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 needs to ensure the efficient internal functioning of the organization; in this scope, the Agency requires an express mail service for the urgent delivery of documents to its counterparts.

2. Objective, scope and description of the contract

2.1 Purpose of the assignment

The aim of this call for tender is to conclude a service contract with an express mail courier company to provide the services described below. The main destinations of EMSA mailings are within Europe, without however excluding destinations in the rest of the world.

2.2 Description of the services

EMSA requires the following services to be carried out by the Contractor:

- a) Collection to be made by 16.30h on the day of the request. When a collection is necessary, EMSA shall call the Contractor in good time to request it.
- b) Shipping of the documents.
- c) Organisation and surveillance of the transport.
- d) Mail delivery to the entire world, in the following order of preponderance: EU Member States, Iceland and Norway, other destinations.
- e) The contractor is required to organise and deal with import-export customs clearance to/from destinations outside the EU.

2.3 Nature of EMSA mail and packaging

- a) Nature of the mail

The vast majority of the mail will consist of paper documents, such as reports.

b) Goods excluded

EMSA mail is compliant with ADR & IATA regulations.

c) Dimensions and maximum weights

For parcel services, the tenderer should indicate the weight and size limits within which they can *offer* the service.

d) Estimated weight distribution of letters and parcels

The weight distribution of EMSA express mail of EMSA is estimated as follows¹:

- Light weighted letters (approx. 0 to 0,5 Kg): 20%
- Heavy letters (approx. 0,5 to 1 Kg): 50%
- Light-weighted parcels (approx. 1 Kg to 5 Kg): 10%
- Heavy parcels (5 Kg and more): 20%

e) Packaging

Standard packaging for items as described in 2.3.d should be provided by the contractor, free of charge, for daily use. The contractor should also supply protective water-proof bags, cartons and material to be used for heavier parcels. Upon entering into force of the contract, the contractor should supply EMSA with sufficient packaging and shipping documents for the first year.

f) Destinations covered by the service

A detailed and exhaustive list of the countries covered by the express courier services must be provided. Countries that are not covered by the express courier services must be indicated specifically.

g) Insurance

The contractor should provide:

- an insurance coverage for special deliveries on the basis of the goods value

¹ These figures are given as an indication and bind EMSA in no way whatsoever

- an insurance for lost parcels
- an insurance for delayed delivery (i.e. delivery beyond the delivery times detailed below under point 2.4).

The tenderer should detail the range of offered insurance in his tender.

2.4 Execution of the services

a) Maximum delivery times

The required delivery times are as follows:

- Not more than 24 hours for European destinations (EU 28 + European countries outside EU)
- Not more than 48 hours for destinations in the US and Canada
- Not more than 72 hours for all other destinations
- The delivery times for difficult and remote destinations should be indicated on a case-by case by the tenderer in his bid.

b) Collection

The collection of mail should be made by 16.30h p.m. of the request day, at the EMSA reception desk, in Praça Europa 4, Lisbon. EMSA reserves the right to modify the number and the days of collection with a prior warning of 5 working days. Exceptions to the rule, like bank holidays and closure of EMSA must be communicated from the contractor to EMSA and vice-versa on an annual basis.

c) Undeliverable post

Undeliverable post should be returned to EMSA.

d) Claims

The tenderer should indicate the procedure to claim for a lost, damaged or delayed shipment & insurance compensation.

e) Exceptional situations

In case of delay or non-delivery due to force majeure, the Contractor is requested to provide a report explaining the reasons.

2.5 Booking system

The Contractor should provide an on-line booking system accessible through a login and a password and the EMSA Mail Handler should be able to print all transport bills. A detailed and clear description of the booking

system is required in the tenderer's offer. In case of internet connection problems, EMSA should be able to send mail by fulfilling shipping documents on paper to be provided by the contracted courier service.

2.6 Tracking system

The contractor should provide a tracking system and indicate the tools to trace the shipment delivery status (on-line, via telephone or with other tools). A detailed and clear description of the tracking system is required in the tenderer's offer.

2.7 Other required services

The tenderer should provide the following services:

- Monthly statistics of deliveries per destinations, weights, paid amounts.
- A single reference person (with e-mail and telephone number) who deals with EMSA and solves every kind of administrative problem. A back-up solution in case of absence of this person must also be put in place.

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

Not applicable

5. Timetable

The estimated date for signature of the contract is mid October 2015. Implementation of the contract will start in November 2015.

6. Estimated Value of the Contract

The maximum budget available for this contract is of 60.000 [sixty thousand] Euro for the requested services, excluding VAT, for the whole duration of the contract.

7. Terms of payment

Payment will be made in accordance with the provisions of the draft contract available in the Procurement Section under the call to tender EMSA/NEG/28/2015 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 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).

The tenderer must provide required evidence for the exclusion and selection criteria on its own behalf and when applicable on behalf of its subcontractors. The evidence for the selection criteria on behalf of subcontractors must be provided where the tenderer relies on the capacities of subcontractors to fulfil selection criteria². 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 fulfil 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 point 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

² To rely on the capacities of a subcontractor means that the subcontractor will perform the works or services for which these capacities are required.

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 **Award Criteria** set out under point **14** of these specifications;

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

11. Price

- Price must be quoted for 'Express mail services' (including insurance) as described in Points 2.1 to 2.7 and shall include the full list of destinations and price options for each type of package.
- 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 criteria. The exclusion criteria will be assessed in relation to each economic operator individually.

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

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.

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. Packaging ($W_1 = 5\%$) - Tenderers should provide samples of the appropriate packages for EMSA's needs as described in 2.3.d
2. Booking system ($W_2 = 15\%$) - As requested in 2.5
3. Tracking system ($W_2 = 15\%$) – As requested in 2.6

and the price criterion and associated weighting:

4. Price of the bid ($W_{price} = 65\%$).

The price of the bid will be evaluated based on total price of the following scenario:

Destination	Weight	Price
Belgium	1 kg	
EUA	2 kg	
China	5 kg	
Russia	7 kg	
Rep. Korea	1,5 kg	
Canada	0,5 kg	
TOTAL PRICE:		

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 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.

