

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

Invitation to tender N° EMSA/NEG/36/2015

**for “Provision of the maintenance and supply services for the European Maritime Safety Agency
official cars ”**

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. EMSA is located at Praça Europa 4, Cais Do Sodré in Lisbon, Portugal.

2. Objective, scope and description of the contract

The objective of this call for tender is provision of the maintenance and supply services for 2 official EMSA cars by the authorised Mercedes Benz (Lot 1) and BMW (Lot 2) entities .

The tender is divided into two Lots and will result in the award of one contract per each Lot. One contract for the provision of the maintenance and supply services for the EMSA official car **Mercedes-Benz Vito 115 CDI/32 9L - Lot 1** and one contract for the provision of the maintenance and supply services for the EMSA official car **BMW 523i - Lot 2**.

The tenderers can apply for only one Lot or for both Lots (Lot 1 - Mercedes-Benz Vito 115 CDI/32 9L and/or Lot 2 - BMW 523i). Servicing of both vehicles has to take place in an area of maximum 30 km from Lisbon.

2.1 EMSA official cars specifications

- **Mercedes-Benz Vito 115 CDI/32 9L – Lot 1**
- Vito Combi 115CDI/32
- 4 cylinders 2148cm³
- 8 seats
- Year of production: 2007
- Last maintenance date: 16 March 2015 (after 52.184 km)

- **BMW 523i - Lot 2**
- 523i Limousine
- 6 cylinders 2996cm³
- Year of production : 2010
- Last maintenance date :16 December 2014 (after 36.654 km)

2.2 Provision of the maintenance and supply services for the European Maritime Safety Agency official car Mercedes-Benz Vito 115 CDI/32 9L - Lot 1

The provider should ensure that the car is properly maintained, in accordance with the manufactures instruction and give the technical assistance and advise.

The offer for Lot 1 should cover:

- (a) Regular maintenance provided by official approved garage - Mercedes Benz,
- (b) Supply only original parts and official accessories
- (c) Supply of tyres, battery, etc.
- (d) Provide when requested a replacement car on rental basis (prices to be provided)
- (e) Ad hoc repair and replacement of any wear and tear or damage items which need replacing, wiper blades, light bulbs, key replacement, etc., by original items

2.3 Provision of the maintenance and supply services for the European Maritime Safety Agency official car BMW 523I - Lot 2

The provider should ensure that the car is properly maintained, in accordance with the manufactures instruction and give the technical assistance and advise.

The offer for Lot 2 should cover:

- (a) Regular maintenance provided by official approved garage - BMW,
- (b) Supply only original parts and official accessories
- (c) Supply of tyres, battery, etc.
- (d) Provide when requested a replacement car on rental basis (prices to be provided)
- (e) Ad hoc repair and replacement of any wear and tear or damage items which need replacing, wiper blades, light bulbs, key replacement, etc., by original items

3. Contract management responsible body

The European Maritime Safety Agency – Unit A.2.3, in charge of Legal and Financial Affairs, Facilities and Logistics will be responsible for managing the contracts.

4. Project Planning

The regular maintenance services for each car should be done according to the manufacturers' instructions.

The exact dates of the regular maintenance and supply services will be agreed later on.

The performance of an ad hoc maintenance and supply services will depend on the needs.

5. Timetable

The estimated date for signature of the contracts is end of October 2015.

The Service Contract for Lot 1 and the Service Contract for Lot 2 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 each contract may not start before the date on which the contract enters into force.

6. Estimated Value of the Contract

The maximum budget available for these contracts is of 9,500.00 Euro excluding VAT for both Lots.

The above maximum budget will be distributed within the two Lots as follows:

- **Lot 1 - "Provision of the maintenance and supply services for the European Maritime Safety Agency official car - Mercedes-Benz Vito 115 CDI/32 9L"** - the maximum budget is 4.000,00 Euro.
- **Lot 2 - "Provision of the maintenance and supply services for the European Maritime Safety Agency official car - BMW 523I"** - the maximum budget is 5.500,00 Euro.

7. Terms of payment

Payment will be made in accordance with the provisions of the Service Contract for Lot 1 and the Service Contract for Lot 2 available in the Procurement Section under the call to tender EMSA/NEG/36/2015 on the EMSA website at the following address: www.emsa.europa.eu

8. Terms of contracts

In drawing up a bid, the tenderer should bear in mind the terms of the Service Contract for Lot 1 and the Service Contract for Lot 2 EMSA may, before the contracts are 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 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 criteria¹.

¹ To rely on the capacities of a subcontractor means that the subcontractor will perform the works or services for which these capacities are required.

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 13.4 & 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

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:

Lot 1

- a) Price for replacement car (1 day)
- b) Price per one man hour to perform a service

Lot 2

- a) Price for replacement car (1 day)
- b) Price per one man hour to perform a service

Please fill in table in Appendix A "Financial proposals"

- 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.

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 will be evaluated in terms price.

The contract will be awarded to the tenderer who submits the cheapest offer:

The price of the bid per Lot will be determined by the sum of:

- a) Price for replacement car per day
- b) Price per one man hour

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.

Appendix A “Financial proposal” Lot

| Item | Unit Price (EUR) | Discount (%) | Total without VAT (EUR) |
|--|------------------|--------------|-------------------------|
| a) Price for replacement car (1 day) | | | |
| b) Price per one man hour to perform a service | | | |

Please fill in the financial proposal for each Lot separately.