

Tender Specifications

Attached to the Invitation to tender

Invitation to tender No. EMSA/NEG/1/2018 for Gardening Services in EMSA Headquarters

1. Introduction

The European Maritime Safety Agency (EMSA) was established under Regulation (EC) No 1406/2002 of the European Parliament and of the Council¹ for the purpose of ensuring a high, uniform and effective level of maritime safety. Among its tasks, the Agency the proper maintenance and functioning of its buildings and facilities for which a relevant contract is necessary.

2. Objective, scope and description of the contract

The subject of the Contract is the provision of gardening services for the EMSA Headquarters.

The total area for which gardening services are required is around 180,00m².

The green areas currently consist of 1 garden and 5 trees. The Annex 1 presents the partial building plan with the marked garden area.

The scope of services shall include: lawn care, tree care, planting bed care, annual care, fertilizing, irrigation and general maintenance. The service program set out in Annex 2 shall demonstrate the number of interventions per month per type of service. However the minimum monthly intervention shall be 2 - depending on the types of plants and their specificities, this number of interventions may increase.

The work shall be performed by Tenderer trained employees.

The services shall be carried out by a Team consist of:

- The technician, who will be responsible for coordinating and supervising the works and will be a contact point for EMSA Project Officer.
- The workforce composed of a gardener(s), who will perform the respective tasks at least twice per month (see table in Annex 2).

After the award decision the Tenderer shall include a list with the names of supervisor and gardener(s) assigned to this project.

The Tenderer shall ensure the necessary equipment and products for performed duties. The price for the provision of the services shall cover cost of all works as well as all necessary equipment and products.

The Tenderer undertakes all responsibilities for the insurance of their Team and for all equipment and products needed to complete assigned tasks.

In the case of damages caused by Tenderer's employees during performance of gardening services the Tenderer shall be responsible for all expenses incurred.

¹ Regulation (EC) No 1406/2002 of the European Parliament and of the Council of 27 June 2002 establishing a European Maritime Safety Agency (OJ L 208, 5.8.2002, p. 1.).

The Tenderer shall maintain work schedules. The schedules shall take into consideration the hours that the staff can effectively perform their services without placing a burden on the security and facilities personnel at EMSA. The Contractor shall deliver the services according to the proposed intervention plan (Annex 2) but between the hours of 09:00 AM and 05:00 PM, Monday through Friday.

EMSA holiday plan for 2018 is attached to this Tender Specification in Annex 3. Should the contract be renewed for further years, the contractor will be informed about EMSA holiday plan for the subsequent years.

3. Contract management responsible body

EMSA Unit A.2 in charge of Legal, Financial & Facilities Support - will be responsible for managing the contract.

4. Project Planning

Following the signature of the Contract, a meeting shall be scheduled at the EMSA premises in order to present the green areas to be maintained. The provision of the service should start in February until March 2018.

5. Timetable

The estimated date for signature of the contract is February 2018. The contract will be concluded for an initial duration of 12 months with automatic renewal up to three (3) times.

6. Estimated Value of the Contract

The maximum budget available for this contract is EUR 8000 excluding VAT.

7. Terms of payment

Payments will be made in accordance with the provisions of the draft Service Contract available in the Procurement Section under the call to tender EMSA/NEG/1/2018 on EMSA's website (www.emsa.europa.eu).

8. Terms of contract (purchase order)

When drawing up a bid, the tenderer shall bear in mind the terms of the draft Service Contract.

EMSA may, before the contract is signed, cancel the award procedure without the tenderers being entitled to claim any compensation.

9. Subcontracting

If the tenderer intends to either subcontract 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. It should be noted that the 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.³ However, the selection criteria may apply individually where it is relevant in view of their nature.

10. Requirements as to the tender

Bids can be submitted in any of the official languages of the EU. However, as the main working language of the Agency is English, bids should preferably be submitted in English and shall in particular include an English version of the documents requested under points 13.5 and 14 of the present Tender Specifications. The tenderer must comply with the minimum requirements provided for in these Tender Specifications. This includes compliance with applicable obligations under environmental, social and labour law established by Union law, national law and collective agreements or by the international environmental, social and labour law provisions listed in Annex X to Directive 2014/24/EU of the European Parliament and of the Council.⁴

The tenderer shall complete the Tenderer's checklist.

If the tenderer intends to either subcontract part of the work or realise the work in co-operation with other partners (Join Offers) he shall indicate it in his offer by completing the form "Information regarding joint offers and subcontracting".

The tender must be presented as follows and must include:

- a) **A 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.
- b) **The Financial Identification Form** completed, signed and stamped. This document is available on the Procurement Section (Financial Identification Form) of EMSA's website (www.emsa.europa.eu).
- c) **The Legal Entity Form** completed, signed and stamped along with the requested accompanying documentation. This document is available on the Procurement Section (Legal Entity Form) of EMSA's website (www.emsa.europa.eu).

Tenderers are exempt from submitting the Legal Entity Form and Financial Identification Form requested if such a form has already previously been completed and sent either to EMSA or any EU Institution. In this case the tenderer shall 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 and 13.2** of these specifications (exclusion criteria).

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.

³ To rely on the capacities of a subcontractor means that the subcontractor will perform the works or services for which these capacities are required.

⁴ Directive 2014/24/EU of the European Parliament and of the Council of 26 February 2014 on public procurement and repealing Directive 2004/18/EC (OJ L 94, 28.3.2014, p. 65).

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 13.3** 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

- a) Price must be quoted for Gardening Services in EMSA Headquarters and shall include cost for all products required to deliver these services.
- b) Prices must be fixed amounts and non-revisable.
- c) Prices must be quoted in euro.
- d) 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. However, the selection criteria may apply individually where it is relevant in view of their nature.

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 tenderer and information and formalities necessary for the evaluation of the minimum economic, financial, 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 of EMSA's website (www.emsa.europa.eu).

13.2 Grounds for exclusion – Exclusion criteria

To be eligible to participate in this contract award procedure, a tenderer must not be in any of the following exclusion situations:

- a) it is bankrupt, subject to insolvency or winding up procedures, its assets are being administered by a liquidator or by a court, it is in an arrangement with creditors its business activities are suspended or it is in any analogous situation arising from a similar procedure provided for under EU or national laws or regulations;
- b) it is subject to a final judgement or a final administrative decision establishing that the person or entity is in breach of its obligations relating to the payment of taxes or social security contributions in accordance with the applicable law;
- c) it is subject to a final judgement or a final administrative decision establishing that the person or entity is guilty of grave professional misconduct by having violated applicable laws or regulations or ethical standards of the profession to which the person or entity belongs, or by having engaged in any wrongful conduct which has an impact on its professional credibility where such conduct denotes wrongful intent or gross negligence, including, in particular, any of the following:
 - i. fraudulently or negligently misrepresenting information required for the verification of the absence of grounds for exclusion or the fulfilment of selection criteria or in the performance of a contract;
 - ii. entering into agreement with other persons or entities with the aim of distorting competition;
 - iii. violating intellectual property rights;
 - iv. attempting to influence the decision-making process of the authorising officer responsible during the award procedure;
 - v. attempting to obtain confidential information that may confer upon it undue advantages in the award procedure;
- e) it is subject to a final judgement establishing that the person or entity is guilty of any of the following:
 - i. fraud
 - ii. corruption
 - iii. participation in a criminal organisation
 - iv. money laundering or terrorist financing
 - v. terrorist-related offences or offences linked to terrorist activities
 - vi. child labour or other forms of trafficking in human beings as defined in Article 2 of Directive 2011/36/EU of the European Parliament and of the Council
- f) the person or entity has shown significant deficiencies in complying with the main obligations in the performance of a contract financed by the Union's budget;
- g) it is subject to a final judgement or a final administrative decision establishing that the person or entity has committed an irregularity within the meaning of Article 1(2) of Council Regulation (EC, Euratom) No 2988/95
- h) for the situations of grave professional misconduct, fraud, corruption, other criminal offences, significant deficiencies in the performance of the contract or irregularity, the candidate is subject to:

- i. facts established in the context of audits or investigations carried out by the Court of Auditors, European Anti-Fraud Office or internal audit, or any other check, audit or control performed under the responsibility of an authorising officer;
- ii. non-final administrative decisions which may include disciplinary measures taken by the competent supervisory body responsible for the verification of the application of standards of professional ethics;
- iii. decisions of entities and persons implementing Union funds pursuant to point (c) of Article 61(1) of the Financial Regulation or of entities implementing the budget pursuant to Article 62 of the Financial Regulation;
- iv. decisions of the Commission relating to the infringement of the Union's competition rules or of a national competent authority relating to the infringement of Union or national competition law; or
- v. decisions of exclusion by an authorising officer of an EU institution, of a European office or of an EU agency or body.

13.3 Technical and professional capacity – Selection criteria

13.5.1 Requirements:

- a) At least 2 years of experience in providing the gardening services.

13.5.2 Evidence:

- a) The tenderers shall provide a list of companies/projects/institutions they have previously work with, including period of services (covering a minimum period of 2 years).

13.4 European Single Procurement Document (ESPD)

In order for the fulfilment of the above criteria to be demonstrated, an ESPD electronic form, available at <https://ec.europa.eu/tools/espd/welcome>, shall be dully filled in, signed and submitted together with the tender.

Tenderers may be excluded from the procedure if the information in the ESPD is seriously misrepresented, withheld or cannot be complemented with supporting documents.

For the selection criteria, the tenderer shall provide information only with regards the selection criteria as required by EMSA in the procurement documents.

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. Quality criterion 1 ($W_1 = 50\%$) - Quality of the proposed “Yearly planning of the services”, in accordance with Annex 2 – specifying the type of maintenance service depending on subject, e.g. the services provided for maintenance of lawns, trees, bushes, etc.

and the price criterion and associated weighting:

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

For evaluation purposes, the tenderer shall complete Annex 4 – Price offer. The price of the tender is the “b) Price per year” without VAT as specified in Annex 4.

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

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

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

15. Rejection from the procedure

Contracts will not be awarded to tenderers who, during the procurement procedure, are in one of the following situations:

- a) are in an exclusion situation;
- b) have misrepresented the information required as a condition for participating in the procedure or have failed to supply that information;
- c) were previously involved in the preparation of procurement documents used in the award procedure where this entails a breach of the principle of equality of treatment, including distortion of competition that cannot be remedied otherwise.

16. 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 shall be clearly pointed out by the tenderer in the tender. Information shall 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.

Annex 1

Annex 2

“Yearly planning of the services”*

(Number of interventions per month per type of service)

Subject	Type of services	Month of the Year											
		Jan	Feb	March	April	May	Jun	July	August	Sept	Oct	Nov	Dec
General maintenance	1.												
	2.												
	...												
Trees and bushes	1.												
	2.												
	...												
Plants													
Lawns													
Irrigation System	1.												
	2.												
	...												

* Please note that the minimum monthly intervention shall be two (2)

Annex 3

EMSA 2018 Public holidays

1 st January	Monday	New Year's Day
2 nd January	Tuesday	day following New Year's Day
29 th March	Thursday	Maundy Thursday
30 th March	Friday	Good Friday
2 nd April	Monday	Easter Monday
25 th April	Wednesday	Portuguese Freedom Day
1 st May,	Tuesday	Labour Day
9 th May	Wednesday	Europe day
10 th May,	Thursday	Ascension Day
15 th August,	Wednesday	Assumption Day
5 th October	Friday	Republic Day of Portugal
1 st November	Thursday	All Saints' Day
2 nd November	Friday	All Souls' Day
24 th to 31 st December		End of year (6 days)

TOTAL: 19 Days

Annex 4 – Financial proposal (Price quotation)

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Gardening services	Price (EUR) with VAT	Price (EUR) without VAT
a) Price per month		
b) Price per year		