

## **Tender Specifications**

### **Attached to the Invitation to tender**

## **Invitation to tender No. EMSA/NEG/13/2018 for Provision of maintenance and training services related to EMSA's AED**

### **1. Introduction**

The European Maritime Safety Agency (EMSA) was established under Regulation (EC) No 1406/2002 of the European Parliament and of the Council<sup>1</sup> for the purpose of ensuring a high, uniform and effective level of maritime safety.

### **2. Objective, scope and description of the contract**

The objective of the contract is to establish a Framework Service Contract for preventative and corrective maintenance services of EMSA's automatic external defibrillator (AED), model Zoll AED Plus from 2009, including the supply of spare parts and products, as well as for respective training of EMSA staff members. The price shall be all inclusive, it shall in particular include transportation of personnel, equipment, and products, respective insurances, and warranty (for spare parts).

An on-site visit/information meeting is planned for 04 July 2018 at the following address: European Maritime Safety Agency, Praça Europa 4, 1249-206, Lisbon, Portugal. To schedule an on-site visit, an e-mail shall be sent to the dedicated e-mail address: neg132018@emsa.europa.eu no later than 02 July 2018.

#### **2.1 Preventative maintenance**

The contractor shall perform preventative maintenance of the AED at least once per year. Preventative maintenance shall include:

- a) At least an annual inspection of the AED, AED programme, batteries, set of electrodes, spare set of electrodes, first aid kit, and other relevant elements;
- b) Upon completion of the annual inspection, provision of a report on the maintenance services carried out, date of the maintenance, troubleshooting, products supplied, and other relevant issues;
- c) Annual report to be presented to the Portuguese National Institute of Medical Emergency (INEM) on the status of the EMSA's AED and AED programme;
- d) Annual certification of EMSA's AED and AED programme, including registration at INEM.

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<sup>1</sup> 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.).

## **2.2 Corrective maintenance**

The contractor shall perform corrective maintenance depending on immediate needs communicated by EMSA or identified by the contractor during annual preventative maintenance. Corrective maintenance shall include:

- a) Upon failure of EMSA's AED, delivery of a replacement defibrillator, collection of the faulty device, and assessment of repair costs;
- b) Hands-on corrective maintenance of faulty device;
- c) Supply of a new AED, spare parts and/or products necessary to the proper functioning of the AED, including batteries, set of electrodes, spare set of electrodes, first aid kit;
- d) Audit and incident report of the status of the AED following the corrective maintenance showing the date of the maintenance, troubleshooting, products supplied, and other relevant issues.

## **2.3 Training services**

The contractor shall perform training at EMSA Headquarters in Lisbon. The trainings shall include:

- a) Training on basic life support with AED for a maximum number of 6 EMSA staff members, in line with INEM's requirements;
- b) Training material, including manual, face shield training mask, and CPR facemask in hard carry case;
- c) At least one annual simulation/drill;
- d) Annual training refresh courses, including training material as described above;
- e) Provision of badges with a validity of 5 years, certifying that the holder has AED operational training on basic life support, after the compulsory training;
- f) Provision of respective certificate for each trained staff member.

## **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**

Not applicable.

## **5. Timetable**

The estimated date for signature of the contract is July 2018.

## **6. Estimated Value of the Contract**

The maximum budget available for this contract is EUR 15000 excluding VAT.

## 7. Terms of payment

Payments will be made in accordance with the provisions of the draft **Framework Service Contract** available in the Procurement Section under the call to tender **EMSA/NEG/13/2018** on EMSA's website.

([www.emsa.europa.eu](http://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 Framework 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 criteria<sup>2</sup>. 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.<sup>3</sup> 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.<sup>4</sup>

The tenderer shall complete the Tenderer's checklist.

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

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

<sup>4</sup> 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).

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](http://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](http://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).

**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 13.4 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 **15** of these specifications;

**Part D:** Setting out prices in accordance with Point 11 of these specifications.

## **11. Price**

- a) Prices shall be quoted using Annexes A and B for Provision of maintenance and training services related to EMSA's AED and shall include:
  - Price list of spare parts and products mentioned above in Points 2.1 and 2.2 (Annex A);
  - Preventative Maintenance: single price per year for preventative maintenance, including the elements described above in Point 2.1 (Annex B);
  - Corrective Maintenance: price per one hour of work during working hours (08h00-20h00) and a price outside working hours (which will also be applicable to weekends and national public holidays), for the tasks described above in Point 2.2 (Annex B);
  - Training Services: price for training a group of staff of maximum 6 EMSA staff members, for an annual simulation/drill, and for refresh courses (Annex B).

- 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.

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](http://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;
- d) 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
- e) 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;
- f) 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
- g) 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 Legal and regulatory capacity – Selection criteria

#### 13.3.1 Requirements

The tenderer must have the legal and regulatory capacity to pursue the professional activity needed for performing the contract.

#### 13.3.2 Evidence

The tenderers must present the following evidence: certification issued by INEM.

### 13.4 Technical and professional capacity – Selection criteria

#### 13.4.1 Requirements

The tenderer must have the technical and professional capacity needed for performing the contract, in particular, the tenderer must:

- a) have experience of at least four (4) years in performing preventative and corrective maintenance of AEDs;
- b) be able to train EMSA staff on AED in English.

#### 13.4.2 Evidence

The tenderers must present the following evidence:

- a) Information on the provision of comparable services for the last four years (list of clients shall be provided);
- b) CV of personnel who will be delivering the trainings, including educational background, professional experience, and knowledge of English.

## 14. Declaration of Honour (DoH)

For this purpose the Declaration of Honour available on the Procurement Section of EMSA's website ([www.emsa.europa.eu](http://www.emsa.europa.eu)) shall be completed and signed.

## 15. 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 ( $W_1 = 25\%$ ): Proposed training plan, especially approach to annual refresh courses and simulation/drill;

2. Quality criterion 2 ( $W_2 = 25\%$ ): Methodology for implementation of contract, including means of communication with EMSA and delivery timelines;

and the price criterion and associated weighting:

3. Price of the bid ( $W_{\text{Price}} = 50\%$ ) = Price of the scenario included in Annex B "Maintenance and training services".

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  $Q_1$ , a minimum of 60 % for  $Q_2$ ,. will be taken into consideration when calculating the score for quality  $SQ$ , score for price  $SP$  and score  $S$ .

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



## **16. 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.

## **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 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 A "Price List of spare parts and products for EMSA's AED maintenance"

Tenderers must complete this price list and submit it together with the bid.  
Please note that failure to fill in this price list may lead to the rejection of your offer.

Tenderer	
Date (DD/MM/YY)	
Signature	

### List of spare parts and products

Description	Price exc. VAT	Comments
1. AED		Model to be described
2. Batteries		
3. Set of electrodes		
4. Spare set of electrodes		
5. First aid kit		
6.		
7.		
8.		
9.		
10.		
11.		
<b>TOTAL</b>		

## Annex B "Maintenance and training services"

Tenderers must complete this price list and submit it together with the bid.  
Please note that failure to fill in this price list may lead to the rejection of your offer.

Tenderer		
Date (DD/MM/YY)		
Signature		
<b>Maintenance services</b>		
		<b>Scenario for evaluation purposes</b>
<b>Description</b>	<b>Price exc. VAT</b>	<b>Price exc. VAT</b>
<b>Preventative maintenance</b>		
Annual preventative maintenance	Price per item	Price for 4 items
<b>Corrective maintenance</b>		
During working hours (Monday to Friday, 08h00 – 20h00)	Price per hour of work	Price for 10 hours of work
Outside working hours, during weekends and national public holidays	Price per hour of work	Price for 10 hours of work
<b>Training services</b>		
Training on basic life support with AED	Price per group of 6 EMSA staff members	Price for 4 groups of 6 EMSA staff members
Annual simulation/drill	Price per item	Price for 4 items
Annual training refresh course	Price per item	Price for 4 items
<b>Total price of scenario</b>		