

## **Tender Specifications**

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

# **Invitation to tender No. EMSA/NEG/10/2019 for Provision of training services for EMSA staff in the field of Quality Audit Management**

## **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, as amended.

The idea of a European Maritime Safety Agency (EMSA) originated in the late 1990s along with a number of other important European maritime safety initiatives. EMSA was set up as the regulatory agency that would provide a major source of support to the Commission and the Member States in the field of maritime safety and prevention of pollution from ships.

The European Parliament and Council Regulation (EC) No 1406/2002, as amended, provides the legal basis for the establishment of the European Maritime Safety Agency (EMSA).

EMSA is a multi-cultural and multi-lingual European organisation and currently has around 260 staff members. Training of EMSA Staff is under the remit of Unit A.1 – Human Resources & Internal Support.

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

The purpose of the contract is to provide training services in field of Quality Audit Management for EMSA staff. The trainings would predominately be aimed at technical staff working in this subject area.

Training courses shall be either standard or tailor-made to EMSA's special needs. After the conclusion of the procurement procedure EMSA aims to conclude a Framework Service Contract for the delivery of training services in the field of Quality Audit Management for EMSA staff.

Courses will normally be classroom courses at EMSA premises. However in certain instances online training may be requested. Therefore the option of online and distance training solutions delivered by the contractor or through a certified partner will be considered advantageous.

EMSA welcomes tenders from economic operators capable of providing as a minimum the training courses listed below. The list is non-exhaustive, and the tenderer may be asked to prepare and deliver training in related fields at short notice, and on innovative topics, which may not be envisaged in the below list. In doing so, the future contractor should also be prepared to act as a 'broker' to offer specific training courses for the needs of EMSA staff, organised and delivered by other companies when required. In such cases, the

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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.).

contractor will be responsible for the overall quality of the provided courses and the capabilities of those delivering.

## 2.1 List of standard courses on Quality Audit Management

The list below contains a non-exhaustive selection of standard courses in the field of Audit Management which the contractor should be able to provide as a minimum (other standard market versions on other topics may also be requested):

<b>Subject</b>	<b>IRCA certified ISO 9001:2015 Auditor/ Lead Auditor Training Course</b>
<b>Duration</b>	<b>5 days</b>
<b>Content</b>	<ul style="list-style-type: none"> <li>• Understand key elements of ISO 19011 and ISO/IEC 17021 Standards;</li> <li>• Understand key quality issues;</li> <li>• Audit as per the requirements of ISO 9001:2015 standard;</li> <li>• Plan an audit against a set of audit criteria;</li> <li>• Successfully execute a quality management systems audit;</li> <li>• Create clear, concise and relevant audit reports;</li> <li>• Communicate the audit findings to a client;</li> <li>• Practical exercises based upon a fictional company.</li> </ul>

<b>Subject</b>	<b>ISO 9001:2015 Internal Auditor Course</b>
<b>Duration</b>	<b>2 days</b>
<b>Content</b>	<ul style="list-style-type: none"> <li>• Understand key elements of ISO 9001:2015 Standard;</li> <li>• Plan an audit against a set of audit criteria;</li> <li>• Successfully execute a quality management systems audit;</li> <li>• Create clear, concise and relevant audit reports;</li> <li>• Evaluating corrective actions for root cause and effectiveness;</li> <li>• Follow-up and closing non-conformities</li> </ul>

<b>Subject</b>	<b>ISO 27001:2013 Information Security Management System (ISMS)</b>
<b>Duration</b>	<b>2 days</b>
<b>Content</b>	<ul style="list-style-type: none"> <li>• Understand key elements of ISO 27001:2013 Standard;</li> <li>• Identify a typical framework for implementing ISO/IEC 27001 following the PDCA cycle;</li> <li>• Conduct a base line review of the organisations current position with regard to ISO/IEC 27001;</li> <li>• Interpret the requirements of ISO/IEC 27001 from an implementation perspective in the context of the organisation;</li> <li>• Implement key elements of ISO/IEC 27001.</li> </ul>

<b>Subject</b>	<b>ISO /IEC 20000:2018 Information technology - Service management system</b>
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	<b>requirements (IT SMS)</b>
<b>Duration</b>	<b>2 days</b>
<b>Content</b>	<ul style="list-style-type: none"> <li>• The purpose and the key fundamentals and processes of an ITSMS;</li> <li>• Understand and apply the requirements ISO/IEC 20000 in the context of an audit;</li> <li>• Plan and conduct an ISO/IEC 20000 audit;</li> <li>• Manage audit communication and interviews;</li> <li>• Report and follow up on an ITSMS audit;</li> <li>• Conduct opening, closing, and follow-up audit meetings;</li> <li>• Integrate ITSMS audits with those for other management systems.</li> </ul>

<b>Subject</b>	<b>ISO 14001:2015 Environmental Management System (EMS)</b>
<b>Duration</b>	<b>2 days</b>
<b>Content</b>	<ul style="list-style-type: none"> <li>• Become familiar with the key elements of ISO 14001;</li> <li>• Understand how ISO 14001 can be applied to a variety of organisations;</li> <li>• Understanding and analysing an organisation and its context;</li> <li>• Interpret the requirements of ISO 14001 from an implementation perspective in the context of the organisation;</li> <li>• Plan and conduct an ISO/IEC 14001 audit;</li> <li>• Integrate EMS with other management systems.</li> </ul>

<b>Subject</b>	<b>Integrated Management System (IMS)</b>
<b>Duration</b>	<b>1 day</b>
<b>Content</b>	<ul style="list-style-type: none"> <li>• Understand the principles and the approach towards IMS;</li> <li>• Create and protect value in your organisation by IMS;</li> <li>• Understand governance and leadership role within the IMS;</li> <li>• Key factors for successful IMS implementation;</li> <li>• Integrated audit – preparation and execution;</li> </ul>

## 2.2 Requirements for the contractor

Courses shall be delivered in English. The contractor shall provide full courseware material, relevant manuals and make sure that the training environments, physical (room) and technical (virtual or else), are ready to deliver effectively any training before it begins. All course materials shall be in English.

Tenders shall include in their bid:

1. A dedicated account manager responsible for bookings during normal working hours 9-17 hours (Lisbon Time), 5 days a week (Monday to Friday);
2. A proposed mechanism for requesting a training course (call log, written request, special order voucher, simple e-mail, online registration, etc.);

3. A response time between receiving EMSA's training request and its acceptance by the account manager or another designated contact person;
4. A fixed response time between acceptance of the training request and delivery;
5. A booking, cancelation and discount policy;
6. The current training catalogue of the company with the current prices;
7. The Tables under Appendix I, providing prices for each of the standard courses listed above, tailor made courses, lump-sums for travel, accommodation costs, subsistence costs, and broking percentage.

## 2.1 What EMSA provides

Suitable technical equipment and meeting rooms, including an ICT training room (max. capacity 15 trainees) are available at EMSA's Headquarters. If needed, additional equipment could be provided by EMSA if the request is submitted well in advance.

Courses shall normally take place at EMSA's premises in Lisbon. When applicable, or in the case of a small number of participants (e.g. training only for one staff member), trainings may be held in an open course delivered at a different location suggested by the contractor or through distance learning tools, such as online trainings, if available and/or requested.

A project officer will be assigned to the management of the contract.

## 3. Contract management responsible body

EMSA Unit A.1 in charge of Human Resources & Internal Support - will be responsible for managing the contract.

## 4. Project Planning

Not applicable.

## 5. Timetable

The estimated date for signature of the contract is first half 2019.

## 6. Estimated Value of the Contract

The maximum budget available for this contract is EUR 100000 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/10/2019** on EMSA's website ([www.emsa.europa.eu](http://www.emsa.europa.eu)).

## 8. Terms of contract

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

Tenders 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.

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 "Statement of Subcontracting / Joint Offer". This document is available on the Procurement Section / Calls for Tenders (Documents for tenderer) of EMSA's website ([www.emsa.europa.eu](http://www.emsa.europa.eu)).

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, the bank account on which payments are to be made and the email address to be used for contacts during the procurement procedure.
- 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)).

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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).

- 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 Economic and Financial 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 Technical and professional capacity (part of the selection Criteria) set out under point 13. 5 of these specifications.

**Part D:** 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 E:** Setting out prices in accordance with point 11 of these specifications].

## 11. Price

- a) Price must be quoted for Provision of training services for EMSA staff in the field of Quality Audit Management and shall be quoted using tables 1 and 2 of Appendix 1.

Standard courses shall be inclusive of all delivery costs such as training materials and manuals as well as their distribution, issuing of certificates, enrolment fees, etc. Costs related to official Certification or/and Examinations shall be quoted separately.

Tailor-made courses shall indicate costs for course development/adaptation (including all support materials and manuals) and costs of course delivery separately.

The lump-sum for travel, accommodation costs, and subsistence allowances shall not be included in the delivery costs and shall be quoted separately using table 3 of Appendix 1.

The broking fee shall be quoted as a maximum percentage using table 4 of Appendix 1.

- 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](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 exclusion situations listed in the Declaration of Honour.

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.

### 13.3 Legal and regulatory capacity – Selection criteria

#### 13.3.1 Standards / Prerequisites

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

#### 13.3.2 Evidence

The tenderer shall provide relevant accreditations applicable to the services requested e.g. ISO.

### 13.4 Economic and financial capacity – Selection criteria

#### 13.4.1 Standards / Prerequisites

- a) The tenderer must be in stable financial position and must have the economic and financial capacity to perform the contract.

### **13.4.2 Evidence**

- a) Financial statements or their extracts for the last three years for which accounts have been closed.
- b) Tenderers are exempt from submitting the documentary evidence if such evidence has already been completed and sent to EMSA for the purpose of another procurement procedure and the provided documents are up-to-date. In this case the tenderer should simply indicate on the cover letter the procurement procedure where the evidence has been provided.
- c) If, for some exceptional reason which EMSA considers justified, a tenderer is unable to provide one or other of the above documents, he may prove its economic and financial capacity by any other document which EMSA considers appropriate. In any case, EMSA must at least be notified of the exceptional reason and its justification in the tender. EMSA reserves the right to request at any moment during the procedure any other document enabling it to verify the tenderer's economic and financial capacity.

### **13.5 Technical and professional capacity – Selection criteria**

#### **13.5.1 Requirements**

- a) Tenderers shall have expertise in organising and delivering training courses in English to national, international, private, public, EU institutions and/or European public administrations, in the field of Quality Audit Management including those listed under Point 2;
- b) Instructors delivering the training courses shall be qualified and shall have experience in delivering training on the topics listed under Point 2 and in delivering such courses or similar in English;
- c) Tenderers shall have capability to co-operate with several training providers.

#### **13.5.2 Evidence**

- a) A list of courses on Quality Audit Management (maximum 2 pages) which the tenderer has provided in the past three years (titles of the courses, delivery dates, duration and the name and type of recipient (national, international, private, public, EU institutions, European public administrations) to whom the courses were delivered. The list shall include at least 50% of the courses listed under Point 2;
- b) Tenderers shall provide with their tender, curricula vitae of the instructors who will be delivering the courses under the proposed contract. The curricula vitae shall include the educational background, degrees and diplomas, accreditations and certifications, professional experience in delivering Quality Audit Management trainings (minimum of three years of experience delivering trainings) and linguistic skills (English);
- c) Relevant proof of cooperation with other training providers with whom the tenderer has cooperated with previously or is currently cooperating with (e.g. letter, MoU, agreement, contract, etc.).

### **14. Declaration of Honour (DoH)**

Please note that the tenderer shall provide information with regards his situation and on the natural or legal persons that are members of the administrative, management or supervisory body or that have powers of representation, decision or control and beneficial owners.

Upon request and within the time limit set by EMSA, the tenderer shall provide the following evidence concerning itself, the natural or legal persons as listed under the first paragraph, and concerning the natural or legal persons which assume unlimited liability for the debt of the tenderer:

For the exclusion situations described in (a), (c), (d), (f), (g) and (h) of the Declaration of Honour, production of a recent extract from the judicial record is required or, failing that, an equivalent document recently issued by a judicial or administrative authority in the country of establishment of the tenderer showing that those requirements are satisfied.

For the exclusion situations described in (a) and (b) of the Declaration of Honour, production of recent certificates issued by the competent authorities of the country of establishment is required. These documents must provide evidence covering all taxes and social security contributions for which the tenderer is liable, including for example, VAT, income tax (natural persons only), company tax (legal persons only) and social security contributions. Where any document described above is not issued in the country concerned, it may be replaced by a sworn statement made before a judicial authority or notary or, failing that, a solemn statement made before an administrative authority or a qualified professional body in its country of establishment.

The successful tenderer must provide the documents mentioned as supporting evidence before signature of the contract and within the deadline given by EMSA. This requirement applies to each member of the group in case of joint tender.

If the candidate already submitted such evidence for the purpose of another procedure, provided its issuing date does not exceed one year and it is still valid, the person shall declare on its honour that the documentary evidence has already been provided and confirm that no changes have occurred in its situation.

## 15. Award criteria

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 – Quality of the Team ( $W_1 = 20\%$ )

Number of instructors available (including back-up instructors) per course, description of the pool of trainers, and suitability of their profile to deliver the relevant training(s).

### 2. Quality criterion 2 – Tailoring of the training, methodology for delivery, and quality of the materials and of the full catalogue ( $W_2 = 20\%$ )

- a) Detailed statement (max. 2 pages) of how the tenderer would endeavour to provide training that is suitable for the needs of EMSA staff and its relevance of the daily work of EMSA staff, acknowledging the specific needs of the international work environment in an EU body;
- b) Presentation of the approach and methodology to be used for the delivery of the training (max. 3 pages). Online and distance learning training solutions will be considered as advantageous;
- c) Standard agenda for course delivery (e.g. starting, finishing times, and breaks);
- d) Sample of the course materials (max. 10 pages per course) of all of the standard courses mentioned under Point 2 and list of topics covered by each course, learning objectives, participants' prerequisites, work-related examples (max. 2 pages per course in accordance to the list under Point 2);
- e) Quality of full catalogue based on the quantity and variety of training courses currently available.

### 3. Quality criterion 3 - Organisation of the training delivery and quality assurance ( $W_3 = 20\%$ )

- a) Description of the services delivered before, during, and after the training (e.g. dedicated account manager, on-line registration and others, if available) (max. 2 pages);
- b) Definition of the procedures and policies for cancellation, postponement, and replacement of participants/instructors (e.g.: deadlines, cancellation, and postponement fees, etc.) (max. 2 pages);

- c) Minimum notice period which would be required to deliver the standard (list under Point 2) and tailor-made courses at EMSA Headquarters;
- d) Description of the measures employed to ensure the quality of services provided (including description on how requests will be processed), trainees' feedback and its usage for future improvements, and support to trainees (max. 2 pages).

and the price criterion and associated weighting:

**4. Price<sup>3</sup> of the bid ( $W_{Price} = 40\%$ ).**

The price of the bid for evaluation purposes will be as described in **Appendix 1 “Financial Proposal”**.

Tenderers shall submit a fully completed Appendix 1 together with their bid (If no costs are applicable, it should be completed using zeros). Failure to submit Appendix 1 will result in rejection of the bid.

Regarding lump-sums for travel, accommodation costs, and subsistence (Delivered at EMSA Headquarters) – Table 3 of Appendix 1:

- a) Effective days of training delivered will be used as measurement unit to define the costs. Should the duration of the training or services be less than 1 day, the amount of these costs shall be calculated based on the minimum measurement unit of one day;
- b) Should more than one trainer/consultant be necessary to deliver the services required by EMSA, the costs will be calculated proportionally using as a unit those under table 3.

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

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

Only tenders that have reached a minimum of 60 % for  $Q_1$ , a minimum of 60% for  $Q_2$ , and a minimum of 60% for  $Q_3$ , will be taken into consideration when calculating the score for quality  $SQ$ , score for price  $SP$  and score  $S$ .

Only tenders 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.