

Tender Specifications

Attached to the Invitation to tender

Invitation to tender No. EMSA/NEG/10/2022 for Maintenance of Automatic Doors

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 is responsible for the proper maintenance and functioning of its buildings and facilities for which a relevant contract is necessary.

EMSA is applying the environmental management systems ISO 14001:2015 and EMAS (Environmental Management and Audit Scheme of the EU), aiming to continuously improve its environmental performance. EMSA complies with all applicable legal requirements relating to the environment and endeavours to ensure that suppliers comply with its environmental policy within the remit of the activities carried out for the contract. EMSA invites tenderers to consult the document and consider it when preparing bids.

2. Objective, scope and description of the contract

The objective of the contract is to establish a Service Contract for preventive and corrective maintenance services of main entrance's circular revolving door and 8 units of sliding doors placed at EMSA's headquarters in Lisbon, Praça Europa no. 4.

The Service Contract shall be for maximum duration of four years.

2.1 Preventive maintenance = is where the contractor will be requested to carry out the technical inspections according to Appendix 1 and the instructions of the manufacturers.

The preventive maintenance shall include hands on maintenance services, at least such as: necessary control of doors equipment, necessary update of driving software and transportation of contractor's staff to EMSA's premises. The intervals are referenced in Appendix 1.

After each visit, a report needs to be provided including description of equipment condition and all works undertaken during the maintenance visit.

2.2 Corrective and emergency maintenance = is to address any defects or breakdowns detected in the doors' equipment, in order to render these fully functional.

The prices per one hour of work for the corrective and emergency maintenance shall be as indicated in Appendix 2.

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 price for spare parts used for repairs will be charged based on the contractor's quotation for corrective maintenance only.

In the case of the corrective maintenance the quotation for cost estimation shall be sent to EMSA for approval before undertaking the corrective maintenance.

In the case of the emergency maintenance the cost of the spare parts will be covered without any prior quotation approval, after undertaking the emergency maintenance.

In the case of the emergency maintenance - the repairing of defects or breakdowns in the doors' equipment must be carried out without delay (on call – also out of standard working hours).

3. Contract management responsible body

EMSA Unit 4.2 in charge of Legal, Finance & Facilities - will be responsible for managing the contract.

4. Project Planning

Kick of meeting is foreseen after signature of the contract where the details regarding reporting, milestones and deliverables and any foreseen further meetings will be agreed.

5. Timetable

The estimated date for signature of the contract is April 2022.

6. Estimated Value of the Contract

The maximum budget available for this contract is EUR 30,000.00 excluding VAT. This is an all-inclusive price, and it includes the preventive, corrective and emergency maintenance services and the spare parts needed for the performance of the services.

The maximum price of the services relating to the preventive maintenance over the entire duration of the contract shall not exceed EUR 20.000 excluding VAT.

The maximum price of the services relating to corrective/emergency maintenance over the entire duration of the contract shall not exceed EUR 10.000 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/10/2022** on EMSA's website (www.emsa.europa.eu).

8. Terms of contract

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. Financial guarantees

Not applicable

10. Subcontracting

If the tenderer intends to either subcontract part of the work or realise the work in co-operation with other partners it shall indicate in its 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. However, the selection criteria may apply individually where it is relevant in view of their nature.

11. 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.³

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) it shall indicate it in its 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).

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).
- c) **The Legal Entity Form** completed, signed by the person authorised to sign the contract and stamped along with the requested accompanying documentation, including recent proof of that authorisation (not more than one year old). This document is available on the Procurement Section (Legal Entity Form) of EMSA's website (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.

³ 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).

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 10, 13 13 and 14.2 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 14.5 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 1616 of these specifications.

Part D: Setting out prices in accordance with point 12 of these specifications.

12. Price

- a) Price must be quoted for Maintenance of Automatic Doors (revolving & sliding) and shall be expressed based on the type of maintenance:
 - Preventive: The contractor shall present a single price per year for the preventive maintenance services which is including the elements mentioned above in point 2.1.
 - Corrective/emergency: The contractor shall present the prices per one hour of work (within EMSA working hours and outside EMSA working hours) for the corrective and emergency maintenance services which is including the elements mentioned above in point 2.2.
- b) Prices must be fixed amounts and non-revisable unless otherwise specified in the contract.
- c) Prices must be quoted in euro.
- d) Under Article 3 and 4 of the Protocol on the privileges and immunities of the European Union, 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.

13. 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 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 group 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 group will be checked to ensure that the group 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 group. Tenders from groups of service providers, contractors or suppliers must specify the role, qualifications and experience of each member or group.

14. 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.

14.1 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).

14.2 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) shall be completed and signed.

14.3 Legal and regulatory capacity – Selection criteria

14.3.1 Standards / Prerequisites

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

The tenderer must be duly registered with the National Public Body that authorizes the intervention of companies in works of non-structural profiles or equivalent within the European Union.

14.3.2 Evidence

Copy of the Permit issued by the Instituto dos Mercados Públicos do Imobiliário e da Construção-IMPIC or equivalent if issued outside Portugal.

14.4 Economic and financial capacity – Selection criteria

14.4.1 Standards / Prerequisites

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

14.4.2 Evidence

Declaration on Honour

14.5 Technical and professional capacity – Selection criteria

14.5.1 Standards / Prerequisites

The tenderer must have at least 5 years of previous experience on the market in areas relevant to the subject of the contract such as: the maintenance services of circular, revolving automatic door (produced by Assa Abloy) and other sliding doors.

14.5.2 Evidence

- a) List of at least 6 clients (company name, location, scope of services) where similar services (maintenance of revolving and sliding doors) have been carried out during last 5 years.
- b) Certificate from the manufacturer Assa Abloy confirming professional competence to carry out maintenance (preventive, corrective) of its products.

15. Declaration of Honour (DoH)

Please note that the tenderer shall provide information with regards its 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 points (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 tenderer already submitted such evidence for the purpose of another procedure, 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.

16. 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 ($W_1 = 50\%$), - quality of the proposed plan for execution of services, including scheduling of preventive maintenance (mandatory + complementary scope of services), means of communication and response time in case of need for corrective/emergency maintenance.

The bidder shall present:

- a) Proposed preventive maintenance time schedule of the services, including:

- Mandatory scope of services required by the Client in Appendix 1;
- Complementary set of services proposed by the bidder (additional scope of works with frequency of their execution).
- b) Means of communication and response time in case of need for corrective/emergency maintenance (during standard working hours and out of working hours).

and the price criterion and associated weighting:

1. Price of the bid ($W_{price} = 50\%$). Price of one-year preventive maintenance + price for 6-man hours of corrective/emergency maintenance + price for 3-man hours of emergency maintenance (out of standard working hours).

Price of all items shall be based on Appendix 2.

Formula for total price of the bid:

$$[1 \times (\text{field A})] + [6 \times (\text{field B})] + [3 \times (\text{field C})].$$

The following shall be taken into consideration:

- a) the maximum price of the services relating to the preventative maintenance over the entire duration of the contract shall not exceed 20.000 Euro.
- b) the maximum price of the services relating to corrective/emergency maintenance (including the supply of spare parts) over the entire duration of the contract shall not exceed than 10.000 Euro.

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 Q_1 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.

17. 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.