

Tender Specifications

Attached to the Invitation to tender

Invitation to tender No. EMSA/NEG/4/2022 for Security Equipment for the building

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 needs to assure effective internal functioning of the organisation including the operation of its security access control system.

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 this call for tender is to establish a framework contract for the provision of goods and services in the area of security, in particular the maintenance of EMSA's existing access control system, supply and installation of security devices and of security associated services such as security consultancy for EMSA's premises, located at Praça Europa 4, Lisbon 1249-206, Portugal.

EMSA's access control system is based on software manufactured by "GE/UTC Fire & Security", installed on a server inside the data centre. The system operates with 56 units of card readers securing access to restricted areas - connected with doors, garage gates, road barriers and rotating gates.

Due to the sensitive nature of this information, the complete technical information shall be disclosed during the on-site visit/information meeting – for details, please see Invitation for Tender.

2.1 Required provision of services:

- a. Preventive maintenance - the contractor will be requested to carry out one (1) preventative maintenance service per year. The preventative maintenance shall include hands on services, including but not limited to: verification of the technical functionality of the system, improvement of the system errors, necessary upgrades of installed security software, control of hardware equipment and transportation of contractor's staff to EMSA's premises. After each visit, a report

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.).

needs to be provided, including a description of the equipment's conditions and all services undertaken during the maintenance visit;

- b. Corrective & emergency maintenance, to address any defects or breakdown detected in the equipment in order to render it fully functional. In the case of emergency maintenance, the repairing of defects or breakdown in the equipment must be carried out without delay and cannot be subject to the normal planning associated with corrective maintenance;
- c. Installation of new hardware equipment including, but not limited to, proximity readers, additional cards receptors, cabling, etc;
- d. Software customisation, programming, and training.

2.2 Required provision of new security devices and spare parts:

- a. New equipment: the tenderer shall present a catalogue of hardware equipment (including prices) such as proximity readers, additional cards receptors and other security related items;
- b. Security software licences;
- c. Original Equipment Manufactural (OEM) parts and equipment replacement found to be necessary following the preventative maintenance.

2.3 Provision of Security consultancy:

Security consultancy services may be requested on an ad-hoc basis for new projects.

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

Signature of the contract: Provision of services and supplies shall not start before the signature of the Framework Service Contract.

Kick-off meeting: After the signature of each order form, a kick-off meeting may be held in order to present a work breakdown structure of the tasks and to define the details of the services to be undertaken.

EMSA may call for additional meetings if this should be considered necessary for the better execution of a project.

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 100,000.00 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/4/2022** 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 Framework 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).

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).

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)

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 Economic and Financial Capacity (part of the selection criteria) set out under point 14.4 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 14.5 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 1616 of these specifications;

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

12. Price

- a) Price must be quoted for Security Equipment for the building and shall include all the elements as follows, submitted together with all the tender documentation:
 - **Price per preventative maintenance**: The tenderer shall present a single price per year for the preventative maintenance as described in point 2.1.a) above.
 - Appendix A, Point 1, field 1/A shall be filled in accordingly.
 - **Price per man-hour for corrective / emergency maintenance** as described in point 2.1.b) above.
 - Appendix A, Point 1, fields 1/B and 1/C shall be filled in accordingly.
 - **Price per installation of hardware equipment** (equipment + labour) as described in point 2.1.c) above.
 - The Appendix A, Point 2, fields 2/A and 2/B shall be filled in accordingly.
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- Price per one man-hour for security consultancy service as described in point 2.3.
 - The Appendix A, Point 3, field 3 shall be filled in accordingly.
- 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.

- a) 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 Europe.
- b) The tenderer must be accredited by the National Public Body that authorizes the intervention of companies in Electrical installations and low-tension equipment or equivalent within the Europe.

14.3.2 Evidence

- a) Copy of the Permit issued by the Instituto dos Mercados Públicos do Imobiliário e da Construção (IMPIC) or equivalent if issued outside Portugal.
- b) Proof of accreditation by SIGESP (Sistema Integrado de Gestão de Segurança Privada) 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

- a) Financial statements or their extracts for the last three years for which accounts have been closed.
- b) Statement of the overall turnover and, where appropriate, turnover relating to the relevant services for the last three financial years.
- c) 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 shall simply indicate on the cover letter the procurement procedure where the evidence has been provided.
- d) If, for some exceptional reason which EMSA considers justified, a tenderer is unable to provide one or other of the above documents, it 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.

14.5 Technical and professional capacity – Selection criteria

14.5.1 Standards / Prerequisites

- a) The tenderer must have at least five (5) years of professional experience on the market in provision of the services listed under section 2.

14.5.2 Evidence

- a) A list of minimum eight (8) clients to which similar goods and services have been provided in the last five (5) years.

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 preventive maintenance services in accordance with point 2.1.a) above:** For the purposes of evaluation the offer shall include a proposed preventative maintenance plan, including scheduling and means of communication

and the price criterion and associated weighting:

2. Price of the bid ($W_{price} = 50\%$) **Total price of all items quoted for in Appendix A**

Price per one (1) year **preventative maintenance** as quoted for in Appendix A, point 1, field 1/A + Prices per one (1) man hour of **corrective and emergency maintenance** as quoted for in Appendix A, point 1, fields 1/B and 1/C (4 units) + **Installation of new hardware equipment** as quoted for in Appendix A, point 2, fields 2/A and 2/B (4 units) + Price per one (1) man hour of **security consultancy service** as quoted for in Annex A, point 3 (4 units).

Total Price = (field 1/A) + 4 x [(field 1/B) + (field 1/C) + (field 2/A) + (field 2/B) + (field 3)] = ... **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

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

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.

18. 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 to these 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.