

Tender Specifications Attached to the Invitation to tender

Invitation to tender No. EMSA/NEG/30/2022 for Kitchen equipment

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.

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 its contractors 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 tenders.

2. Objective, scope and description of the contract

The objective of this procurement procedure is to establish a Framework Service Contract for preventive and corrective maintenance of existing kitchen equipment as well as of equipment purchased under the Framework Contract, such as dishwashers, fridges, convection ovens, electric and induction stoves, ice-makers, kitchen exhausts, and other relevant equipment, for the EMSA premises located at Praça Europa 4, 1249-206, Lisbon, Portugal. It also includes the supply of professional kitchen equipment, as well as associated services, *i.e.* delivery, installation, warranty, supply and replacement of spare parts.

2.1 Maintenance

2.1.1 Preventive maintenance

The contractor shall perform two (2) preventive maintenance interventions per year for each type and unit of equipment. For reference purposes, please consult Appendix A B for the list of existing equipment.

New equipment supplied under this Framework Contract will also be included in the Preventive maintenance services.

The price for preventive maintenance shall also include transportation of the contractor's staff to the place of performance of the maintenance, as well as any applicable insurances.

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.).

A receipt confirming that preventive maintenance took place, in line with the Order Form, will be signed by the authorised EMSA staff on the day of the performance of the service.

2.1.1.1 Preventive maintenance on dishwashers

Preventive maintenance shall be done for dishwashers, existing ones and/or purchased under the Framework Contract, including:

- Checking the spinning arm;
- Clearing any debris out of the holes;
- Wiping around the edges of the door and around the gasket;
- Inspecting the bottom of the dishwasher around the drain;
- Removing hard water deposits or scale, if needed.

2.1.1.2 Preventive maintenance on fridges

Preventive maintenance shall be done for fridges, existing ones and/or purchased under the Framework contract, including:

- Checking the door seals;
- Checking the drip pan and drain hole;
- Cleaning the condenser coils.

2.1.1.3 Preventive maintenance on convection ovens

Preventive maintenance shall be done for convection ovens, the existing one and/or purchased under the Framework contract, including:

- Inspecting oven door seal;
- Inspecting venting system;
- Checking that temperature is within the correct limits.

2.1.1.4 Preventive maintenance on electrical and/or induction stoves

Preventive maintenance shall be done for electrical and induction stoves, existing ones and/or purchased under the Framework contract, including:

- Checking and tighten all electrical connections;
- Checking operation of temperature probe;
- Checking operation of high-limit thermostat.

2.1.1.5 Preventive maintenance on ice-makers

Preventive maintenance shall be done for ice-makers, the existing one and/or purchased under the Framework contract, including:

- Visual inspection of components, corrosion, etc.;
- Cleaning the condenser coils.

2.1.1.6 Preventive maintenance on kitchen exhausts

Preventive maintenance shall be done for kitchen exhausts, the existing one and/or purchased under the Framework contract, including:

- Visual inspection of components, etc
- General interior cleaning.

2.1.2 Corrective maintenance

The contractor shall perform Corrective maintenance depending on immediate needs, including:

- Corrective maintenance intervention;
- Transportation of contractor's staff to the place of performance of the corrective maintenance;
- Supply of replacement and spare parts.

A receipt confirming the duration of the corrective maintenance intervention and the price of the replacement/spare parts provided, if any, will be signed by the authorised EMSA staff on the day of the performance of the service.

2.2 Supply of professional kitchen equipment

The Contractor must supply dishwashers, fridges, convection ovens, electric and induction stoves, icemakers, kitchen exhausts and any related accessories or kitchen equipment required by EMSA.

Although EMSA will predominantly purchase equipment similar to the existing (see Appendix A), tenderers are encouraged to add their full catalogue to their tender, as EMSA may request other items from the full catalogue.

Purchase of equipment will be done based on a request for supplies sent by EMSA to the Contractor, with the requirements and specifications for each item requested. The price proposed by the Contractor shall include the supply, assembly, installation, delivery, transportation, and disposal of packaging of the equipment. If accepted, EMSA will issue an Order Form for the required equipment.

2.2.1 Delivery and installation

The contract includes the supply, assembly, installation, delivery, and transportation as well disposal of packaging of any equipment.

For the purpose of this Framework Contract, "installation" includes:

- All the necessary works, including electrical, water, or sewage connections that might be needed for the correct installation of the equipment;
- Testing all electrical appliances and leaving them fully operational and ready to be used;
- Any applicable insurances.

A consignment note including the list of equipment and quantities, in line with the relevant Order Form, will be signed by the authorised EMSA staff on the day of the delivery. This note acknowledges the fact that the goods were delivered and in no way implies conformity of the goods with the Order Form and Framework Contract.

2.2.2 Warranty

The tenderer shall warrant the functioning of the supplies for at least two years. If the tenderer can provide a warranty for a longer period, this should be specified in the technical offer.

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

The purchase of professional kitchen equipment will depend on actual needs as communicated by EMSA. Equipment shall be delivered and installed within eight (8) weeks of the signature of an Order Form by EMSA, unless otherwise specified therein.

For the total duration of the Framework Contract (48 months), a minimum of eight (8) Preventive maintenance inspections are foreseen for each type of kitchen equipment - in 2023, 2024, 2025 and 2026 - at dates to be agreed between EMSA and the contractor and based on Order forms signed by both parties.

The performance of the corrective maintenance will depend on actual needs, if identified during preventive maintenance or as communicated by EMSA. Corrective maintenance will be purchased through Order Forms and interventions shall take place immediately after their communication by EMSA, within 1-5 working days, depending on the urgency/gravity.

5. Timetable

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

6. Estimated Value of the Contract

The maximum budget available for this contract is EUR 70,000.00 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/30/2022** on EMSA's website.

www.emsa.europa.eu. The successful tenderer(s) shall take the appropriate measures to be compliant with the e-invoicing conditions as set out in the draft contract.

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. 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 14.5 and 16 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, 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 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 **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 Kitchen equipment and maintenance, as follows:
 - **Price for each Preventive maintenance per type and unit of equipment** as described in point 2.1.1, including transportation of contractor's staff to the place of performance of the maintenance, taking into account that such maintenance shall occur at least twice a year;
 - **Price for Corrective maintenance** as described in point 2.1.2, including transportation of contractor's staff to the place of performance of the maintenance: the tenderer shall present the price per hour of corrective maintenance, regardless of the type of equipment.
- 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 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. In particular:

- a) The tenderer must have capacity to ensure the correct disposal of waste generated by its activity, in line with Decreto-Lei n.º 152-D/2017 of December 11 and Despacho n.º 5258/2018, of May 25;
- b) The tenderer must prevent emissions of fluorinated greenhouse gases, in compliance with the Regulation (EU) N° 517/2014 Of The European Parliament and The Council, Decreto_Lei 145_2017.pdf (apambiente.pt).

14.3.2 Evidence

- a) Proof of registration or certification as waste producer for electrical and electronic equipment;
- b) Proof of registration or certification for installation, servicing, maintenance, repair or decommissioning of the equipment.

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.

- b) The tenderer must not be subject to EU restrictive measures adopted under Article 29 of the Treaty on the European Union (TEU) or Article 215 of the Treaty on the Functioning of the EU (TFEU) substantially affecting the performance of the contract (e.g., asset freezes and/or a prohibition on making funds or economic resources available). The prohibition applies throughout the whole performance of the contract.

14.4.2 Evidence

- a) Declaration on Honour
- b) Self-declaration that the tenderer is not subject to restrictive measures (e.g., asset freezes and/or a prohibition on making funds or economic resources available) substantially affecting the performance of the contract.

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.

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

The tenderer must have relevant experience in supplying professional kitchen equipment and providing the related preventive and corrective maintenance, as mentioned in section 2 above, for at least the last two years.

14.5.2 Evidence

List of services provided in the last two years, including dates, description of services provided and clients.

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 ($W_1 = 25\%$), Proposed plan of preventive and corrective maintenance in terms team composition (number and role of team members) and timeline proposed for each type of maintenance;
2. Quality criterion 2 ($W_2 = 25\%$), Proposed discount or markup to the prices of kitchen equipment to be purchased - score to be attributed according with the table below:

Markup over 10%	6 points
Markup up to 10%	7 points
No markup or discount	8 points
10% discount or below	9 points
Over 10% discount	10 points

and the price criterion and associated weighting:

3. Price of the bid ($W_{Price} = 50\%$) - price scenario in Appendix B

Note: Please fill in the table in Appendix B “Scenario of Price for Evaluation” - failure to fill in Appendix B may lead to the rejection of the tender for being incomplete.

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 , and 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.

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.

Appendix A - List of existing equipment for reference

Item	Number of units
Dishwashers	5
Fridges	11
Convection ovens	1
Electrical stoves	1
Icemakers	2
Kitchen exhausts	2