

Tender Specifications attached to the Invitation to tender

Invitation to tender N° EMSA/NEG/09/2016 for Needs assessment study of the AIS base stations necessary to extend the national AIS networks of Georgia and Ukraine to fully cover their territorial waters

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. Further to the latest revision of the Agency founding regulation², EMSA activities may also include, upon the Commission's request, the provision of technical assistance to the EU Neighbouring Partner countries.

Since June 2014 EMSA implements a two-year EU funded project TRACECA II – Maritime safety and security. In the framework of the project the Agency provides the beneficiary countries Armenia, Azerbaijan, Georgia, Kazakhstan, Moldova, Turkmenistan and Ukraine with specific technical assistance falling within the domain of expertise of the Agency and by associating them to the operational tools developed and managed by EMSA on behalf of the European Commission and the Member States.

The project addresses inter alia the issue of traffic monitoring in the beneficiary countries as a tool to improve the safety of navigation and consequently the level of environmental protection in the Black and the Caspian Seas.

The assistance in the area aims to:

1. **promote the establishment of Vessels Traffic Monitoring and Information Systems (VTMIS)** in the 5 beneficiary countries that are Coastal States – Georgia and Ukraine on the Black Sea and Azerbaijan, Kazakhstan and Turkmenistan on the Caspian Sea;
2. **promote the sharing of AIS information** among adjacent Coastal States thus extending the coverage of the national AIS networks and maximising the benefits of a better maritime situational awareness.

In line with this a Workshop on traffic monitoring was held in April 2015 with representatives of the littoral beneficiary countries in order to obtain overall/general information on the state of development of VTMIS

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.).

² Regulation (EU) No 100/2013 of the European Parliament and of the Council of 15 January 2013 amending Regulation (EC) No 1406/2002 establishing a European Maritime Safety Agency (OJ L 39, 9.02.2013, p. 31)

in the beneficiary countries and to identify their interest of the beneficiaries in launching AIS sharing through the Mediterranean AIS Regional System (MAREΣ), hosted by the Italian Coast Guard.

The workshop revealed that there are great differences among the countries as regards availability of AIS infrastructure, legislative framework, administrative setting and willingness to share AIS information.

It is intended that further support will be provided to those countries that are willing to start sharing AIS information but are impeded in doing so due to lack of infrastructure. Considering that such support can only be adequately planned on the grounds of a detailed needs assessment of the terrestrial AIS infrastructure EMSA decided to launch this tender procedure.

2. Objective, scope and description of the contract

2.1 Objective and scope

The objective of the contract is the development of a Needs assessment study in order to identify the AIS base stations (in terms of number, types and locations) that still need to be deployed in the national AIS networks (existing or to be established) of Georgia and Ukraine in order to achieve full coverage of their territorial waters. The assessment shall be done taking into consideration the subsequent connection of the national AIS networks to the MAREΣ server in the framework of a follow-up project.

2.2 Description of the contract

The assessment involves two stages:

Stage I. Analysis of the existing terrestrial AIS infrastructure in Georgia and Ukraine, including its coverage and compatibility with the MAREΣ server.

The contractor shall perform a detailed analysis of the existing infrastructure on the grounds of information gathered through site visits in Georgia and Ukraine. Only T-AIS infrastructure providing data for civilian purposes shall be considered for the purpose of the study. EMSA will facilitate the contact between the contractor and the relevant authorities. EMSA will also provide the contractor with the technical requirements for connection to the MAREΣ server. The analysis shall result in a Status-quo report describing the existing T-AIS network infrastructure, including:

- T-AIS base stations:
 - position (Lat., Long.);
 - type;
 - antenna elevation (above sea level);
 - identifiers (MMSI, name);
 - standards;
 - site supporting infrastructure.
- AIS Base Station Controllers (BSC);
- AIS data exchange (networks/formats/standards);
- AIS data visualisation, handling and storage infrastructure (hardware/software);
- AIS network management (operational/technical);
- Other considered issues;
- Coverage: (calculated for each individual T-AIS base station and the whole T-AIS network, and including indications of blind sectors and areas with the AIS signal detection probability of 75% and 100%. The following calculation criteria should be considered (but are not limited to):
 - antenna system and elevation;

- propagation;
- weather conditions;
- seasonal changes;
- sea state (wave height);
- terrain shadowing effects, and;
- any other criteria.

Locations and coverage of the stations and the network shall be presented on a map.

- AIS network compatibility with the MAREΣ server connection requirements.

Stage II. Identification of the AIS base stations that still need to be deployed

Once the actual coverage of the existing T-AIS infrastructure is determined during Stage I the Contractor shall identify the AIS base stations that still need to be deployed in Georgia and in Ukraine in order to extend the national AIS networks to fully cover their territorial waters. While doing so the Contractor shall bear in mind the requirements of Article 9 of Directive 2002/59/EC (as amended), and that the final goal is to enable future connection of the national AIS networks to the MAREΣ server.

As a result the Contractor shall prepare a report providing a minimum of two possible solutions to achieve the full coverage of the territorial waters of Georgia and Ukraine. For each of the options the Contractor shall provide:

- A list of AIS base stations to be installed, specifying:
 - type;
 - standards supported;
 - technical characteristics;
 - location (Lat., Long);
 - calculated antenna elevations (above the sea level)

and indicating (per site) the available and/or required:

- technical infrastructure (e.g. facilities, antenna masts, power supply etc.);
 - communication infrastructure (communication networks, AIS Base Station Controllers, site remote controlling etc.);
 - the site manning and personnel training requirements;
 - other issues, necessary for maintaining the site and its connection to a national AIS network.
- Coverage calculations, indicating the theoretical coverage with 75% AIS signal detection probability and with 100% AIS signal detection probability (calculated for individual T-AIS base stations and the whole T-AIS network). The following calculation criteria should be considered (but are not limited to):
 - antenna system and elevation;
 - propagation;
 - weather conditions;
 - seasonal changes;
 - sea state (wave height);
 - terrain shadowing effects, and;

- any other criteria.

Locations and coverage of the stations and the entire network shall be presented on a map.

- Cost estimation per new (or upgraded) AIS base station.

The Contractor shall also indicate the AIS network management and data handling infrastructure (hardware/software) requirements if needed.

2.3 Logistical arrangements

The contractor will take care of all the travel and accommodation arrangements. All costs (accommodation, travel, etc.) related to the site visits should be included into the price for the Needs assessment study. Therefore the contractor will not be reimbursed on a separate basis for any expenses incurred for the purpose and in the course of the site visits.

3. Contract management responsible body

EMSA – Unit B.0.2, in charge of Training and Cooperation - will be responsible for managing the contract.

4. Project Planning and Timetable

The estimated date for signature of the contract is mid-April 2016.

The Contractor shall submit electronically a Draft report of the Needs assessment, covering the Status-quo analysis and the Identification of AIS base stations that still need to be deployed for both Georgia and Ukraine not later than 10 June 2016.

The deadline for the submission of the Final report of the Needs assessment is 30 June 2016.

5. Estimated Value of the Contract

The maximum available budget is EUR 48,000.00 excluding VAT, including all travel and subsistence costs that might be necessary for the implementation of the contract.

6. 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/09/2016 on EMSA's website (www.emsa.europa.eu).

7. Terms of contract

When drawing up a bid, the tenderer should 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.

8. 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 criteria³. 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.²

9. 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 should in particular include an English version of the documents requested under points **12.3** and **13** 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.⁴

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 "Information regarding joint offers and subcontracting".

The tender must be presented as follows and must include:

- a) **A signed cover letter** indicating the name and position of the person authorised to sign the contract/purchase order and the bank account on which payments are to be made.
- b) **The Financial Form** completed, signed and stamped. This document is available on the Procurement Section (Financial Form) of EMSA's website (www.emsa.europa.eu).
- c) **The Legal Entity Form** completed, signed and stamped along with the requested accompanying documentation. This document is available on the Procurement Section (Legal Entity Form) of EMSA's website (www.emsa.europa.eu)

Tenderers are exempt from submitting the Legal Entity Form and Financial 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 should 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 **8, 11, 12.1 and 12.2** 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 (**Selection Criteria**) set out under point **12.3** of these specifications.

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

⁴ 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).

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 **13** of these specifications.

Part D: Setting out **prices** in accordance with point **10** of these specifications.

10. Price

- a) Price must be quoted for the Needs assessment study and shall include:
- Price for the needs assessment study;
 - Price for travel expenses and per-diems to be borne by the contractor in relation to the site visits to Georgia and Ukraine as per point **2**. This price will not be taken into consideration for the evaluation of the bid, but will become part of the price of the Service Contract.

The total price (for the study and for the travel and subsistence costs) shall respect the ceiling, as defined in point 5.

Example:

	Price for the study	Price for travel and per-diems	Total
Total	A	B	A+B (\leq Estimated Value of the Contract)

- 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.

11. 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.

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.

12. Information concerning the personal situation of the service provider and information and formalities necessary for the evaluation of the minimum technical and professional capacity required.

12.1 *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)

12.2 Grounds for exclusion – Exclusion criteria

To be eligible to participate in this contract award procedure, a tenderer must not be in any of the following exclusion situations:

- a) it is bankrupt, subject to insolvency or winding up procedures, its assets are being administered by a liquidator or by a court, it is in an arrangement with creditors its business activities are suspended or it is in any analogous situation arising from a similar procedure provided for under national legislation or regulations;
- b) it is subject to a final judgement or a final administrative decision establishing that it is in breach of its obligations relating to the payment of taxes or social security contributions in accordance with the law of the country in which it is established, with those of the country in which the contracting authority is located or those of the country of the performance of the contract ;
- c) it is subject to a final judgement or a final administrative decision establishing that it is guilty of grave professional misconduct by having violated applicable laws or regulations or ethical standards of the profession to which the person belongs, or by having engaged in any wrongful conduct which has an impact on its professional credibility where such conduct denotes wrongful intent or gross negligence, including, in particular, any of the following:
 - i. fraudulently or negligently misrepresenting information required for the verification of the absence of grounds for exclusion or the fulfilment of selection criteria or in the performance of a contract;
 - ii. entering into agreement with other persons with the aim of distorting competition;
 - iii. violating intellectual property rights;
 - iv. attempting to influence the decision-making process of the contracting authority during the award procedure;
 - v. attempting to obtain confidential information that may confer upon it undue advantages in the award procedure;
- d) it is subject to a final judgement establishing that the person is guilty of any of the following:
 - i. fraud
 - ii. corruption
 - iii. participation in a criminal organisation
 - iv. money laundering or terrorist financing
 - v. terrorist-related offences or offences linked to terrorist activities
 - vi. child labour or other forms of trafficking in human beings as defined in Article 2 of Directive 2011/36/EU of the European Parliament and of the Council
- e) the person has shown significant deficiencies in complying with the main obligations in the performance of a contract financed by the Union's budget, which has led to its early termination or to the application of liquidated damages or other contractual penalties, or which has been discovered following checks, audits or investigations by an Authorising Officer, OLAF or the Court of Auditors;
- f) it is subject to a final judgement or a final administrative decision establishing that the person has committed an irregularity within the meaning of Article 1(2) of Council Regulation (EC, Euratom) No 2988/95
- g) for the situations of grave professional misconduct, fraud, corruption, other criminal offences, significant deficiencies in the performance of the contract or irregularity, the applicant is subject to:
 - i. facts established in the context of audits or investigations carried out by the Court of Auditors, OLAF or internal audit, or any other check, audit or control performed under the responsibility of an authorising officer of an EU institution, of a European office or of an EU agency or body;
 - ii. non-final administrative decisions which may include disciplinary measures taken by the competent supervisory body responsible for the verification of the application of standards of professional ethics;

- iii. decisions of the ECB, the EIB, the European Investment Fund or international organisations;
- iv. decisions of the Commission relating to the infringement of the Union's competition rules or of a national competent authority relating to the infringement of Union or national competition law; or
- v. decisions of exclusion by an authorising officer of an EU institution, of a European office or of an EU agency or body.

Evidence to be provided by the tenderers

For this purpose, the **Declaration of Honour** available in the Procurement Section of EMSA's website (www.emsa.europa.eu) shall be completed and signed.

12.3 Technical and professional capacity – Selection criteria

The Contractor shall have knowledge and minimum 5 years of experience in the area of Vessel Traffic Monitoring or AIS Systems, such as:

- consultancy services (feasibility studies, needs assessment studies, etc.);
- design of Vessel Traffic Monitoring or AIS Systems;
- projects for development/implementation of Vessel Traffic Monitoring or AIS Systems;
- maintenance of Vessel Traffic Monitoring or AIS Systems.

Evidence to prove the above may include:

- Detailed curriculum vitae of the key members of the team, including their educational and professional background;
- References to carried out studies related to the definition and/or design of Vessel Traffic Monitoring or AIS Systems;
- Evidence (e.g. recommendation letters from clients) that the Contractor has been involved in successfully completed projects in the area of definition, design and implementation of Vessel Traffic Monitoring or AIS Systems;

13. Award criteria

Only the tenders meeting the requirements of the exclusion and selection criteria will be evaluated in terms of quality and price.

The contract will be awarded to the tenderer who submits the most economically advantageous bid (the one with highest score) based on the following quality criteria and their associated weightings:

1. Quality criterion 1 Methodology for the assessment, incl. proposed planning and timetable ($W_2 = 30\%$),
2. Quality criterion 2 Quality of the proposed team ($W_3 = 30\%$)

and the price criterion and associated weighting:

3. Price of the needs assessment study as indicated in point 10 above ($W_{Price} = 40\%$).

For all bids evaluators will give marks between 0-10 (half points are possible) for each quality criterion.

The score is calculated as

$$S = SQ + SP$$

where:

The average quality for quality criterion i is

$$Q_i = \frac{1}{\text{number of evaluators}} * \sum_{\text{evaluator}} \text{mark of the evaluator for quality criterion } i$$

The overall weighted quality is

$$Q = \sum_i Q_i * W_i$$

The score for quality is

$$SQ = \frac{Q}{Q \text{ of the bid with highest } Q} * 100 * \sum_i W_i$$

The score for price is

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

Only bids that have reached a minimum of 60 % for Q_1 , a minimum of 60 % for Q_2 , etc. 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 70 % for the score S will be taken into consideration for awarding the contract.

14. 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 where this entails a distortion of competition that cannot be remedied otherwise.

15. 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 should be clearly pointed out by the tenderer in the tender. Information should 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.