

Tender Specifications

Attached to the Invitation to tender

Invitation to tender N°EMSA/OP/02/2015 for the Provision of Training Services for ICT End User Applications

1. Introduction

The European Maritime Safety Agency (EMSA) was established under Regulation 1406/2002/EC for the purpose of ensuring a high, uniform and effective level of maritime safety.

EMSA's headquarters are in Lisbon, at Cais do Sodré.

The EMSA is a multi-cultural and multi-lingual European organisation and currently has 240 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 EMSA staff with training services on End User ICT Applications. Depending on the needs detected, training courses shall be either standard or tailor-made, though other related services may be requested, such as consultancy related to training and staff development (e.g. Training Needs Analysis, etc..).

After the conclusion of the procurement procedure EMSA aims to conclude a Framework Service Contract with economic operators for the delivery of the above mentioned services.

Trainings will be ordered providing reasonable notice for the planning and organisation of courses, especially where partial adaptation of the content or the special logistics may be involved.

EMSA ICT Infrastructure operates with state of the art technologies. Corporate services are based on MS Windows (presently Windows 7) environment supporting business applications based on Sharepoint, MS IIS, MS SQL and .NET. The Datacenter infrastructure is based on Netapp storage, VMware and HyperV or virtualisation, F5, CISCO, Checkpoint for networking and security, EMC Networker for backup technologies. The staff members need to be constantly updated and trained on latest ICT applications.

The objective of this tender is to conclude a Framework Service Contract with one contractor for the provision of the following non exhaustive list of training courses. Courses may be requested either in their standard market versions or tailor made to EMSA's special needs.

The list bellow contains a selection of Standard Courses in the field of ICT end User Applications which the contractor should be able to provide as a minimum:

- MS Office 2010 – Word Basic & Intermediate ;
- MS Office 2010 – Word Advanced;
- MS Office 2010 – Excel Basic & Intermediate;
- MS Office 2010 – Excel Advanced;
- MS Office 2010 – Access Intermediate;
- MS Office 2010 – PowerPoint Basic & Intermediate;
- MS Office 2010 – Outlook;
- MS Office 2010 – Project;
- MS Office 2010 – SharePoint Workspace – Power Users;
- MS Office 2010 – SharePoint Workspace – Soft Users;
- ITIL v3 – Foundations;
- ITIL v3 – Service Design;
- ITIL v3 – Service Operation;
- ITIL v3 – Continual Service Improvement;
- 20687D – Configuring Windows 8;
- 20411D – Administering Windows Server 2012;
- Developing for the Liferay Platform 1;
- Developing for the Liferay Platform 2;
- Software Verification and Validation - (Addressing objectives, concepts, techniques, tools, phases, planning, applicability, limitations);
- Non-Functional testing for J2EE Web Applications using Weblogic Application Servers - (Addressing objectives, concepts, techniques, tools, phases, planning, applicability, limitations).

Being aware that the ICT sector is a constantly changing business environment, EMSA also wishes to be able to order courses for the special needs of its staff on an *ad hoc* basis. Therefore, the list mentioned above, is not exhaustive and other ICT End User Application courses may be requested from the contractor.

The contractor may be also requested to act as a “broker”, in order to offer training courses organised and delivered by other companies when required. In such cases, the contractor will be responsible for the overall quality of the courses provided and the capabilities of the subcontractor.

The option of online training courses delivered by the contractor or through a certified partner will be considered as advantageous.

EMSA welcomes tenders from economic operators capable of providing training courses on a short notice, on recently introduced ICT technology, which may not be envisaged in the above list. In doing so, the future contractor may be prepared to act as a ‘broker’ able to offer tailor made training courses for the needs of EMSA ICT staff.

2.1 Requirements to 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 material shall be in English.

The contractor shall ensure:

1. A dedicated account manager responsible for bookings shall provide services during normal working hours 9-17 hrs., 5 days a week;
2. A proposed mechanism for requesting a training course (call log, written request, special order voucher, simple e-mail, online registration, etc.);
3. The 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. Indication of whether there are any booking costs, cancellation costs, availability and/or conditions for discounts;

6. Using the Tables under Appendix I, the tenderer shall be requested to provide quote/s for each of the standard courses listed above, tailor made courses, consultancy services and brokership percentage;
7. Current training catalogue of the company with current prices.

2.2 Requirements to EMSA

Suitable technical equipment and an ICT training room (Max. Capacity 14 trainees) are available at EMSA's Headquarters. If needed, additional equipment could be provided following a notice from the training provider, submitted to EMSA well in advance.

Courses shall normally take place at EMSA premises in Lisbon. When applicable, or in the case of a small number of EMSA staff participants (e.g. training for one staff member), training may be held in an open course which is organised at a different location suggested by the contractor or through a distance learning computer based tool if online trainings are available and requested.

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

3. Contract management responsible body.

The European Maritime Safety Agency – Unit A.1 in charge of Human Resources & Internal Support – will be responsible for managing the contract.

4. Timetable

The contract is expected to be signed during the second semester of the year 2015. Course and other requested services should be ready for delivery as from then onwards.

5. Value of the Contract

The successful tender will be awarded a Framework Service Contract for a period of 12 months, automatically renewable up to 3 times under the same conditions, starting from the date of signature. The services will be implemented through Order Forms depending on EMSA's demands. The maximum budget available for this contract is 195.000,00 EUR excluding VAT, over a maximum period of 4 years.

6. Terms of payment

Payments shall be issued in accordance with the provisions of the draft service framework contract available on the Procurement Section under the call to tender EMSA/OP/02/2015 on the EMSA website at the following address: www.emsa.europa.eu

A training report will be required from the contractor together with every invoice. This training report should contain: presence list, training evaluation by trainees, course content.

7. Terms of contract

In drawing up a bid, the tenderer should bear in mind the terms of the draft service contract.

EMSA may, before the contract is signed, either abandon the procurement or cancel the award procedure without the tenderers being entitled to claim any compensation.

8. Financial guarantees

Not applicable

9. Sub-contracting

If the tenderer intends to either sub contract part of the work or perform 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. (NB: 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 criteria¹. 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.

¹ To rely on the capacities of a subcontractor means that the subcontractor will perform the works or services for which these capacities are required.

10. Requirements as to the tender

Bids can be submitted in any of the official languages of the EU. The working language of the Agency is English. Bids must include an English version of the documents requested under point 13.5 & 14.1 of the present tender specifications.

The tenderer shall complete Tenderer's checklist available on this tender folder.

If the tenderer intends to either sub contract part of the work or perform the work in co-operation with other partners (Joint Offers) he shall indicate in his offer by completion of the form – Information regarding joint offers and subcontracting.

The tender must be presented as follows and must include:

- **Signed cover letter** indicating the name and position of the person authorised to sign the contract and the bank account on which payments are to be made;
- **Financial Form** completed, signed and stamped; available on the Procurement Section (Financial Form) on the EMSA Website at the following address: www.emsa.europa.eu;
- **Legal Entity Form** completed, signed and stamped and requested accompanying documentation, available on the Procurement Section (Legal Entity Form) on the EMSA Website at the following address: www.emsa.europa.eu

Tenderers are exempt from submitting the Legal Entity Form and Financial Form requested if such a form has already been completed and sent either to EMSA or any EU Institution previously. 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.

In order to simplify and harmonise the presentation of the proposals, tenderers are advised to organise their offers by:

- **Part A:** all the information and documents required by the contracting authority for the appraisal of tenders on the basis of the points **13, 13.2-13.3** of these specifications (part of the 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 **14.1** of these specifications;

- **Part E:** setting out **prices** in accordance with **point 11** of these specifications, using the relevant tables under Annex I (Proposal – Conditions and Cost Summary).

11. Price

- Price for the Provision of Training Services on End User ICT Applications for EMSA staff. In presenting prices tenderers shall give information on the Standard Courses, Tailor Made Courses, Consultancy Services and Brokership using the template available under Appendix I (Proposal – Conditions and Cost Summary);
- Prices must be provided for each of the items under Appendix I (Proposal – Conditions and Cost Summary). Failure to provide prices for any items may lead to a rejection of the bid;
- Prices must be quoted in Euro;
- Prices must be fixed amounts, non-revisable and remain valid for the duration of the contract. (All delivery cost must be included in the price, such as; manuals, enrolment fees, training materials) Travel and subsistence costs will be quoted separately;
- Under Article 3 and 4 of the Protocol on the privileges and immunities of the European Union, EMSA is exempt from all duties, taxes and other charges, including VAT. This applies to EMSA pursuant to the Regulation 1406/2002/EC. These duties, taxes and other charges can therefore not enter into the calculation included in the bid. 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.

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 service provider and information and formalities necessary for the evaluation of the minimum economic, financial and technical 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 and requested accompanying documentation, available on the Procurement Section (Legal Entity Form) on the EMSA Website at the following address: www.emsa.europa.eu

13.2 Grounds for exclusion - Exclusion criteria

To be eligible for participating in this contract award procedure, tenderers must not be in any of the following exclusion grounds:

- a) they are bankrupt or being wound up, are having their affairs administered by the courts, have entered into an arrangement with creditors, have suspended business activities, are the subject of proceedings concerning those matters, or are in any analogous situation arising from a similar procedure provided for in national legislation or regulations;
- b) they have been convicted of an offence concerning their professional conduct by a judgement which has the force of *res judicata*;
- c) they have been guilty of grave professional misconduct proven by any means which the contracting authority can justify;
- d) they have not fulfilled obligations relating to the payment of social security contributions or the payment of taxes in accordance with the legal provisions of the country in which they are established or with those of the country of the contracting authority or those of the country where the contract is to be performed;
- e) they have been the subject of a judgement which has the force of *res judicata* for fraud, corruption, involvement in a criminal organisation or any other illegal activity detrimental to the Union financial interests;
- f) they have been the subject of the administrative penalty for being guilty of misrepresentation in supplying the information required by the contracting authority as a condition of participation in the procurement procedure or failing to supply an information, or being declared to be in serious breach of his obligation under contract covered by the budget.

13.3 Evidence to be provided by the tenderers

For this purpose the Declaration on Honour available on the Procurement Section on the EMSA Website (www.emsa.europa.eu) shall be completed and signed.

Please note that the tenderer to whom the contract is to be awarded shall provide additional proof evidencing eligibility.

For situations described in (a), (b) and (e), production of a recent extract from the judicial record is required or, failing that, a recent equivalent document issued by a judicial or administrative authority in the country of origin or provenance showing that those requirements are satisfied. Where the tenderer is a legal person and the national legislation of the country in which the tenderer is established does not allow the provision of such documents for legal persons, the documents should be provided for natural persons, such as the company directors or any person with powers of representation, decision making or control in relation to the tenderer.

For the situation described in point (d) above, recent certificates or letters issued by the competent authorities of the State concerned are 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.

For any of the situations (a), (b), (d) or (e), where any document described in two paragraphs above is not issued in the country concerned, it may be replaced by a sworn or, failing that, a solemn statement made by the interested party before a judicial or administrative authority, a notary or a qualified professional body in his country of origin or provenance.

If the tenderer is a legal person, information on the natural persons with power of representation, decision making or control over the legal person shall be provided only upon request by the contracting authority.

When the tenderer to be awarded the contract has already submitted relevant evidence to EMSA, it remains valid for 1 year from its date of submission. In such a case, the reference of the relevant project(s) should be mentioned and the Contractor is required to submit a statement of confirmation that their situation has not changed.

13.4 Economic and financial capacity – Selection criteria

Requirements:

- The tenderer must be in stable financial position and the economic and financial capacity to perform the contract;

Evidence:

- Financial statements for the last three years for which accounts have been closed;
- Statement of overall turnover and turnover relating to the relevant services for the last three financial years;
- 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 still complies with the requirements. 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, he may prove his 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 any other document enabling it to verify the tenderer's economic and financial capacity.

13.5 Technical and professional capacity – Selection criteria

Requirements:

- 1) The tenderer shall provide evidence of expertise in organising and delivering training courses in the field of ICT End User Applications, by including those listed under Point 2 , it shall be considered as advantageous;
- 2) Instructors delivering the training courses should 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;
- 3) The approach and methodologies used must be suitable for the delivery of the training courses in the fields related to ICT Training;
- 4) Suitable quality assurance methodology in order to ensure the best standards of delivery;
- 5) Capacity to interface with several training providers;
- 6) Ability to respond quickly to a request for services and/or modification thereof;
- 7) Capacity in delivering services related to training, such as consultancy (e.g. training needs analysis, etc.);
- 8) Experience in delivering ICT End User training to EU institutions and European public administration would be advantageous.

Evidence:

- 1) A list of training courses in the field of ICT End User Applications (maximum 2 pages) which the tenderer has provided in the past three years (titles of the courses, delivery dates, duration and type of recipient (private, public, national or international bodies, etc... to whom the courses were

delivered. Should the list include some or all those courses listed under Point 2, this will be considered as advantageous;

- 2) Tenderers should provide with their bid, 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 ICT End User Application trainings in English (minimum of three years training experience) and linguistic skills (English);
- 3) Description of the approach/methodology to be used in some of the trainings, as well as other tools or materials to be employed in delivery (max. 3 pages);
- 4) Definition of the procedures for cancellation, monitoring of participation and continuity of services;
- 5) Sample of training material, manuals or presentations used (max. 10 pages);
- 6) A description of the measures employed to ensure the quality of the services provided - (How will requests be processed?), trainees feedback and its usage, support to trainees;
- 7) List of other training providers with whom the tenderer has previously cooperated (max. 2 pages);
- 8) Description of the experiences and challenges in delivering trainings to an international organisation (max. 1 page), if applicable;
- 9) List of other services related to training, such as consultancy (e.g. training needs analysis, etc..) Description of services provided in the past 3 years, duration, dates and type of organisation (public, private, international organisation), if applicable (max. 2 pages);

14. 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:

14.1 Quality of the team, content, methodology, training material, catalogues and services delivery ($W_{\text{Quality}} = 50\%$):

a) Quality of the team ($W_1 = 20\%$);

- Number of instructors available (including back-up instructors) and profile of the training team proposed.

b) Content, methodology, quality of the training material, catalogue and organisation of trainings ($W_2 = 15\%$);

- Detailed statement (max. 2 pages) on how the tenderer would endeavour to provide training that is suitable for needs of EMSA staff and its relevance to the daily work, acknowledging the specific needs of an EU body or International Organisation,
- List of topics covered by each course (max. 2 pages per course in accordance to the list under point 2 of these tender specifications), learning objectives, prerequisites, work related examples and course duration (1 training day = 7 hours),
- Presentation of the approach and methodology used for training shall be included in the tender (max. 3 pages), containing a description of the approach/methodology to be used (online training will be considered as advantageous),
- Training schedule for the course delivery (e.g. starting, finishing times and breaks),
- Sample of the course material (max. 10 pages) of standards courses mentioned under point 2,
- Catalogue of training courses currently delivered by the tender,
- A list of training courses in the field of ICT End User Applications (maximum 2 pages) which the tenderer has provided in the past three years (titles of the courses, delivery dates, duration and type of recipient (private, public, national or international bodies, etc... to whom the courses were delivered. Should the list include some or all those courses listed under Point 2, this will be considered as advantageous;
- Description of the methods of training delivery, including Online training, if applicable,
- Description of other services related to training, such as consultancy (e.g. training needs analysis, etc...).

c) Service delivery ($W_3 = 15\%$);

- Definition of the procedures and policies for cancellation, postponement and substitution of trainees (e.g. deadlines, cancellation and postponement fees, etc...),
- Minimum notice period, which would be required to deliver the standard courses (list under Point 2 of the tender Specifications) at EMSA Headquarters,
- A description of the measures employed to ensure the quality of the services and trainee support,
- Description of services delivered before, during and after the training is provided (e.g. dedicated account manager, on-line registration and others if available),
- Network of providers which allows the bidder to act as a "broker".

and the price criterion and associated weighting:

14.2 Price of the bid ($W_{\text{Price}} = 50\%$):

The price of the bid will be calculated by making an average calculation of the following items;

- Sum of all items' "subtotals" in table 1 , divided by the number of items,
- Sum of all items' "subtotals" in Table 2, divided by the number of items,
- Sum of all items' "subtotals" in Table 3, divided by the number of items,
- Brokership Fee in Table 4.

Table 1: Standard Course (Delivered at EMSA Headquarters to a maximum of 14 participants):

- Number of Training Days (1 day = 7 hours);
- Cost of Course Delivery per day (all delivery costs must be included in the price, such as; manuals, enrolment fees, trainings materials);
- Cost of Certification or/and Examinations (if applicable);
- Travel and Subsistence Costs of Delivery (if applicable).

Table 2: Tailor-made course (Delivered at EMSA Headquarters to a maximum of 14 participants):

- Cost for Course Development/Adaptation per Day (including all support materials);
- Cost of the Course Delivery (all delivery costs must be included in the price, such as; manuals, enrolment fees, trainings materials);
- Travel and Subsistence Costs of Delivery (if applicable).

Table 3: Consultancy Services (Delivered at EMSA Headquarters to a maximum of 15 participants):

- Cost of consultancy delivered (Including final deliverables, e.g. Reports, etc...);
- Travel and Subsistence Costs of Delivery (if applicable).

Table 4: Broker percentage - on total fee of the course that the contractor will charge for using another company to deliver a specific training or service (in addition to the price offered by the other company).

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

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

Only bids 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 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.

15. Contracts will not be awarded to tenderers who, during the procurement procedure:

- a) are subject to a conflict of interest;
- b) are guilty of misrepresentation in supplying the information required by the contracting authority as a condition of participation in the contract procedure or fail to supply this information.

16. False declarations

Without prejudice to the application of penalties laid down in the contract, tenderers and contractors who have been guilty of making false declarations concerning situations referred to in points 13 and 14 above or have been found to have seriously failed to meet their contractual obligations in an earlier procurement or grant shall be subject to administrative and financial penalties set out in Article 145 of Commission Delegated Regulation of 29.10.2012 on the rules of application of Regulation (EU) No 966/2012 of the European Parliament and of the Council on the financial rules applicable to the general budget of the Union.

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 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 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.

Annex:

- Appendix I – Proposal – Conditions and Cost Summary

