

Tender specifications

Attached to the Invitation to Tender EMSA/OP/23/2015 for the Supply of Office Furniture and Associated Services

1. Introduction

The European Maritime Safety Agency (EMSA) was established under Regulation 1406/2002 for the purpose of ensuring a high, uniform and effective level of maritime safety and prevention of ship-sourced pollution. In 2004, with Regulation 724/2004, EMSA was additionally tasked with oil pollution response activities and as a result, developed its Action Plan for Oil Pollution Preparedness and Response.

The European Council Decision of December 13 2003 established the final headquarters of the European Maritime Safety Agency in Lisbon, Portugal.

Article 15.2(c) of Regulation 1406/2002 establishes that the Executive Director “shall take all necessary steps.... to ensure the functioning of the Agency in accordance with provisions of this Regulation.” Among its tasks, the Agency needs to ensure the efficient internal functioning of the organization; in this scope it is important to assure simple and swift channels to acquire furniture for staff so as not to compromise the normal daily work.

2. Objective, scope and description of the contract

2.1 OBJECTIVE

The objective of this tender is to conclude a framework contract with a single contractor to supply furniture (standard and ergonomic models) as well as associated services, i.e. maintenance of existing furniture, delivery, demonstration of proper usage, installation services, etc.

The Agency currently has a fully furnished building in Lisbon, Portugal, and intends to replace part of its office furniture in order to meet the needs of its staff, purchase additional furniture, as well as maintain existing furniture that will need to be repaired due to damages resulting from wear and tear.

In more detail, the range of furniture the Agency is looking to purchase over a four year period shall include, but is not limited to, the below items:

- a) Standard chairs
- b) Ergonomic chairs
- c) Visitor chairs
- d) Electric tables
- e) Standard tables
- f) Cupboards

- g) Low cabinets
- h) Rolling cabinets

The proposed furniture must meet the minimum mandatory specifications outlined in Appendix 1 as well as the additional requirements outlined below:

- a. User manuals in English must be supplied per product.
- b. All packaging must be disposed of by the successful tenderer.

The requirements set out in Appendix 1 and above should be considered as minimum requirements for participating in the call for tender. It should be noted that any bids failing to meet these requirements may be rejected.

2.2 ADDITIONAL FURNITURE

In addition to the above, the tenderers are requested to provide, upon request, an offer for a one-off purchase of any other item of furniture:

- a) That will be chosen from the contractor's catalogue
The tenderer shall include a catalogue (paper version as well as electronic version) in English, which shall contain a large range of items with a full description, mentioning the model and characteristics (including warranty) of each item, including colour pictures.

OR

- b) The successful tenderer shall provide a quotation upon request from the Agency.
The Agency reserves the right to request a quotation for furniture outside the contractor's catalogue. The successful tenderer shall receive by email a request for a quotation to which the He/She must provide an offer.

2.3 ASSOCIATED SERVICES

2.3.1 MAINTENANCE

The tenderer should ensure that all of the Agency's furniture (i.e. current furniture outlined in Appendix 2 as well as new furniture purchased under this Contract) will be properly maintained in accordance with the manufacturer's instructions (price for spare parts to be quoted upon EMSA request).

The tenderer shall also be requested to provide technical assistance and advice upon EMSA request, without any additional cost to the Agency.

2.3.2 DELIVERY

The Contractor shall deliver any ordered furniture within a maximum of eight (8) weeks from the signature of the Order Form by the last contracting party, unless a different date will be specified on the Order Form.

The goods shall be delivered, to a pre-agreed location, on any EMSA working day during the Agency's normal working hours (Monday – Friday from 09:00 to 17:00h). The exact date of delivery shall be confirmed by the contractor two (2) days in advance of the delivery. All deliveries shall be accompanied by delivery notes and shall include the Order Form number, the model reference and the quantities delivered.

2.3.3 INSTALLATION & DEMONSTRATION OF USE

All furniture must be assembled and installed when requested by EMSA at the Agency's premises. The installation shall include a demonstration of use and assembly possibilities to the designated EMSA person(s).

2.3.4 WARRANTY

The tenderer shall offer a minimum warranty period of two (2) years for each component of the furniture (including modules and parts), as well as provide a warranty for the maintained furniture and the spare parts.

3. Contract management responsible body

The European Maritime Safety Agency – Unit A.2.3, in charge of Facility & Logistics – will be responsible for managing the contract.

4. Project Planning

Not applicable.

5. Timetable

The estimated date for signature of the contract is December 2015

6. Estimated Value of the Contract

The maximum budget available for this contract is of 150,000 Euro, excluding VAT, for the whole duration of the contract.

Purchases of additional furniture's will not constitute more than 20% of the value of the contract.

7. Terms of payment

Payments shall be issued in accordance with the provisions of the **draft framework supply contract** available on the Procurement Section under the call to tender EMSA/OP/23/2015 on the EMSA website at the following address: www.emsa.europa.eu

8. Terms of contract

In drawing up a bid, the tenderer should bear in mind the terms of the draft **framework supply** 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.

9. Financial guarantees

Not applicable.

10. Sub-contracting

If the tenderer intends to either sub contract 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. (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.

11. 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 14.5 & 15.1 of the present tender specifications.

The tenderer shall complete Tenderer's checklist.

If the tenderer intends to either sub contract part of the work or realise 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

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.

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.

Part A: all the information and documents required by the contracting authority for the appraisal of tenders on the basis of the points **14.2, 14.3** 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 **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 **15** of these specifications;

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

12. Price

- Prices for the supply of office furniture - each item described in Appendix 1 - and associated services: these shall include installation, delivery and transportation costs as well as costs related to disposal of packaging.
- Price per man hour for maintenance
- Prices must be quoted in Euro.
- Prices must be fixed amounts, non-revisable and remain valid for the duration of the contract.
- 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.

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 (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.

14. 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

14.1 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

14.2 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.

14.3 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.

14.4 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.

14.5 Technical and professional capacity – Selection criteria

Requirements:

The ability of service providers to perform services will be assessed in particular with regard to their know-how, efficiency, experience and reliability.

Evidence:

Evidence of the technical and professional capacity of the providers involved in the tender must be provided on the basis of the following documents:

- a) Certificate for management systems for quality (ISO 9001), and for the environment (ISO 14001 and/or EMAS II)
- b) Suppliers code of conduct

15. 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:

Quality criteria (30%):

1. Quality certification for the proposed items ($W_1 = 10\%$)
2. Eco-friendliness of the products, sustainability aspects and LEED contribution ($W_2 = 20\%$)

and the **price criterion** and associated weighting:

3. Price of the bid ($W_{\text{Price}} = 70\%$): the price will be evaluated based on the following scenario:

a)	Price for 10 Electric Adjustable Office Table	
b)	Price for 10 Standard Office Chair	
c)	Price for 10 Ergonomic Chair	
d)	Price for 7 man hours for maintenance	
Total price = a)+b)+c)+d)		

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 , 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 60% for the score S will be taken into consideration for awarding the contract.

16. 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.

17. 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 point 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.

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 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.