

Tender Specifications

attached to the Invitation to tender

Invitation to tender EMSA/NEG/33/2016 for supply of LED lamps for EMSA and EMCDDA buildings

1. Introduction

The European Maritime Safety Agency (EMSA) was established under Regulation (EC) No 1406/2002 of the European Parliament and of the Council for the purpose of ensuring a high, uniform and effective level of maritime safety and security. More information is available at: <http://emsa.europa.eu>.

The European Monitoring Centre for Drugs and Drug Addiction (EMCDDA) was established by Council Regulation (EEC) No. 302/93 of 8 February 1993, as recasted by Regulation (EC) No. 1920/2006 of the European Parliament and of the Council of 12 December 2006. The EMCDDA is the central reference point for drug information in the European Union. More information is available at: <http://www.emcdda.europa.eu>.

2. Objective, scope and description of the contract

The objective of this tender is to find suitable contractors to supply a wide range of LED technology lamps and bulbs, and/or new LED compatible lighting systems.

The contractor shall also be responsible for the connected services, namely installation and replacement of the existing types, currently used in EMSA and EMCDDA buildings.

EMSA's premises consist of two buildings:

- Headquarters (including underground parking);
- Conference Centre.

EMCDDA's premises consist of two buildings:

- Headquarters (including underground parking);
- Palacete Relógio building

In order not to bring any detriment to the general functioning of EMSA and the EMCDDA, the replacement of the existing types with the new LED lamps, bulbs and/or LED compatible lighting systems, shall be made gradually and the contractor shall be responsible for any damage caused to the buildings and external areas. Some tasks may have to be carried out on weekends or outside the Agencies' working hours.

The replacement for the more efficient and economic systems must be based on specific technical studies, in order to find the most suitable replacement solution.

The contract shall comprise the following activities:

- 1) When receiving a request for a quotation under the framework contract, the contractor shall:

- perform a survey of the existing lamps, bulbs and lighting systems on site;
 - perform lumino-technical and other technical studies to select the best LED lamps, bulbs or LED compatible lighting systems for replacement (these studies must validate the energy and maintenance savings by the longer life hour and lower power consumption versus the investment to be made, underlining the best potential solutions to be used), and
 - provide a quotation containing the best potential types of products to be used for the replacement, the prices for these products (price shall be all inclusive, including transport & transport related insurance (DDP Incoterms), recycling and maintenance costs during the warranty period) and price for replacement & installation services (including the adaptation of electrical circuits).
- 2) After a specific contract is signed by the respective contracting authority, the contractor shall:
- supply the new Led lamps, bulbs and/or lighting systems;
 - proceed to the gradual replacement of the lamps, bulbs and/or lighting systems types currently used in EMSA and EMCDDA buildings;
 - after each replacement the contractor must carry out a verification of the luminous flux (the outcome of this activity shall be a Verification report);
 - adapt electrical circuits to the new lamps and bulbs, if applicable;
 - remove old lamps, bulbs and/or lighting systems that must be recycled;
 - protect the area of intervention to avoid any damage.

All replacements must be in line with the European Norm EN 12464-1 Lighting of work places - Part 1: Indoor work (or equivalent).

All materials removed, like old lamps, bulbs and/or lighting systems, must be recycled by the contractor. The contractor is obliged to present a certificate of the recycling process.

The contractor shall assume all maintenance costs during the warranty period of 3 years.

All technical studies must be performed by the contractor and are to be included in the contract as part of the replacement process, not to be subject to extra costs.

The new lamps and bulbs, and new lighting systems to be supplied must have as a minimum:

- Energy efficiency class A;
- 25.000 life hours;
- EN 12646-1 compatible or equivalent;
- 3 years warranty.

The bid shall include a product catalogue containing a wide range of LED lamps, bulbs or LED compatible lighting systems, together with the price list for the products. The product catalogue shall be updated every year, one month before the anniversary of the contract, with the latest types of products on the market.

Each time, the latest version of the catalogue proposed shall be subject to EMSA's approval before becoming an official Annex to the Framework Contract.

3. Contract management responsible body.

EMSA – Unit A.2.3, in charge of Facilities and Logistics will be responsible for managing the contract.

4. Project Planning

Following the signature of the contract, a kick-off meeting shall be scheduled in EMSA and EMCDDA premises in order to start the implementation of the contract.

Over the maximum contract duration, a meeting with the contractor shall be held in EMSA and EMCDDA premises every time the services shall be required.

5. Timetable

The estimated date for signature of the contract is September 2016.

The contract will be concluded for an initial duration of 12 months with automatic renewal up to three times.

6. Estimated Value of the Contract

The estimated budget available for this contract is EUR 135,000.00 excluding VAT, covering the maximum of four years contract duration.

7. Terms of payment

Payments will be made in accordance with the provisions of the draft framework contract available in the Procurement Section under the call to tender EMSA/NEG/33/2016 on EMSA's website.

(www.emsa.europa.eu).

8. Terms of contract

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

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

9. 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 criteria. 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.

10. 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 13.5 and 14 of the present tender specifications. The tenderer must comply with the minimum requirements provided for in these tender specifications. This includes compliance with applicable obligations under environmental, social and labour law established by Union law, national law and collective agreements or by the international environmental, social and labour law provisions listed in Annex X to Directive 2014/24/EU of the European Parliament and of the Council.

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 9, 10 and 13.2 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 (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 Award Criteria set out under point 14 of these specifications;

Part D: Setting out prices in accordance with point 11 of these specifications.

11. Price

- a) Prices must be quoted for the supply of LED technology lamps and bulbs, and/or new LED compatible lighting systems and shall be all inclusive, including transport & transport related insurance (DDP Incoterms), technical studies, price of replacement & installation services (including adaptation of electrical circuits), recycling and maintenance costs during the warranty period. The price shall also include all items indicated in the **Appendix 1 Price grid – price list**.
- 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.

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, technical and professional 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** available on the Procurement Section of EMSA's website (www.emsa.europa.eu).

13.2 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.

13.3 Legal and regulatory capacity – Selection criteria

13.3.1 Requirements: The tenderer must have the legal and regulatory capacity to pursue the professional activity needed for performing the contract.

- The contractor shall be accredited by the Instituto dos Mercados Públicos do Imobiliário e da Construção, as having the “Classe 1, 4ª Categoria - Instalações elétricas e mecânicas” or equivalent.

13.3.2 Evidence:

- Copy of the ‘Alvará’ issued by the Instituto dos Mercados Públicos do Imobiliário e da Construção or equivalent certification proof.

13.4 Technical and professional capacity – Selection criteria

13.4.1 Requirements:

- The contractor shall have at least 5 years of experience in providing the same products and services.
- The contractor shall be ISO 9001 certified for commercialization of lighting products and/or the lighting installation services, or equivalent certification.
- The contractor shall be registered on the Associação Nacional para o Registo de Equipamentos Eléctricos e Electrónicos or equivalent registration with national body competent in the environmental control of the supplied electrical products ensuring the correct recycling manner.

13.4.2 Evidence:

- List of main clients and services provided in the last 5 years.
- Copy of the ISO certificate or equivalent certification proof.
- Copy of the “Registo da Empresa for the gestão de resíduos de equipamentos elétricos e eletrónicos (ANREEE)” or equivalent national registration proof.

13.5 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.

14. 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 ($W_1 = 20\%$) – Updatable product catalogue containing a wide range of products to be supplied (lamps & lighting equipment), and respective price list;
2. Quality criterion 2 ($W_2 = 10\%$) Proposed deadlines (Nr. of days) for the provision of a quotation after request;
3. Quality criterion 3 ($W_3 = 20\%$) - Energy efficiency classification of the proposed products.

and the price criterion and associated weighting:

4. Price of the bid ($W_{price} = 50\%$).

The price of the bid shall be calculated based on the following scenario, taking into account the prices provided in **Appendix 2 Price grid - Evaluation scenario**, namely:

“Scenario based price” – The total price of the products and the connected services (replacement & installation) for the replacement of the fluorescent lamps, bulbs or lighting equipment in 4 meeting rooms of the EMSA Headquarters.

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 50 % for Q_1 and a minimum of 50 % for Q_3 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 50% for the score S will be taken into consideration for awarding the contract.

15. 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.