

Tender specifications

Attached to the Invitation to tender

Invitation to tender no. EMSA /OP/06/2017 for Provision of Language Training Services for EMSA Staff

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.

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 these language training service contracts is to enhance the overall language skills of EMSA staff. In addition, some staff members are required to demonstrate their ability to work in a third EU language before a first reclassification.

Trainings shall be ordered providing reasonable notice for the planning and organisation of courses, especially when special needs have to be met.

Upon request by EMSA, the contractors are expected to deliver language training to EMSA staff members and in some cases to their partners at the EMSA premises.

EMSA wishes to conclude framework contracts with a number of companies to provide language training for its staff in the following lots:

- Lot 1 – Portuguese language training;
- Lot 2 – French language training;
- Lot 3 – German language training;
- Lot 4 - English language training;

Tenderers can apply for one or several lots.

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.).

With regard to the level of knowledge, it is required that for languages other than English, courses can be offered in all 6 levels of Common European Framework of Reference for Languages (CEFR):

- Level A – Basic User
 - o A.1 – Beginner
 - o A.2 – Elementary
- Level B – Independent User
 - o B.1 – Intermediate
 - o B.2 – Upper Intermediate
- Level C – Proficient User
 - o C.1 – Advanced
 - o C.2 – Proficiency

Courses are to be delivered in all fields of competence (i.e. oral and written comprehension, oral and written expression).

The contractor shall ensure:

1. A dedicated account manager responsible for the implementation of the services under the contracts, shall be available to EMSA during normal working hours, 9-17 hrs (Lisbon Time), 5 days a week (Monday to Friday);
2. A proposed mechanism for requesting a training course (call log, written request, special order voucher, simple e-mail, online registration, etc.);
3. A response time between receiving EMSA's training request and its acceptance by the account manager or another designated contact person;
4. A minimum response time to be expected in case of a request for services and/or modification thereof (Maximum accepted shall be 5 days);
5. A booking, cancelation and discount policies, in line with the criteria set;
6. The current training catalogue of the company with the current prices;

Level certification examinations by accredited bodies shall not be covered by the scope of the contract, as it is dealt through a separate procedure between EMSA and the participant.

The language training sessions should run according to the tenderer's proposed approach and specific methodology, which shall be assessed through this tendering procedure.

2.1 Requirements for the contractor

The contractor shall take into account that its target audience consists of 25 nationalities and that English is EMSA's working language.

All communication with EMSA shall be done in English.

Entry level tests shall be organized by the contractor, free of charge to ensure that each participant is in the correct level and a correct composition of the groups is achieved.

Tests shall be delivered by the contractor at the end of each group session (1 session = 12 lessons) or after a set of individual trainings, in order to evaluate each of the 4 competencies (i.e. oral and written comprehension, oral and written expression) and the level achieved by the participants.

Upon completion of each group session (1 session = 12 lessons) or set of individual trainings, participants shall receive a certificate of attendance with an indication of the level achieved.

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.

Contractors are required to supply the service and take full responsibility for the content, quality of the material, quality standard and availability of teachers.

Courses shall take place at EMSA's premises in Lisbon.

In either group or individual courses, EMSA may cancel lessons with 24-hours' notice.

The contractor shall be responsible for informing EMSA's contact person of the following:

- Cancellation of lessons;
- Alerts when the participation rate is low;
- Providing quarterly plans of classes including list of participants, name of teacher, time and dates;

The contractor shall at all times be obliged to guarantee continuity of services substituting teachers if any absence occurs.

The contractors shall provide a report at the end of each group session or set of individual trainings containing:

- o Attendance list of each training provided;
- o Level at the beginning of the session and level achieved at the end of the session;
- o Feedback forms completed by the participants, evaluating the services provided;

EMSA reserves the right to add courses or participants, giving the contractor two weeks' prior notification.

On all courses, EMSA participants shall follow the programme and methodology proposed by the contractor matching his/her language level.

a) Regular and intensive classroom courses

Upon EMSA's request, language classes are to be set up for groups composed of EMSA staff members and their partners.

The maximum number of participants per course is 10 unless agreed otherwise. 1 unit has 90 minutes duration. Courses are to be held at EMSA's premises once or twice a week on weekdays between 08.00 and 19:00 in accordance with EMSA's working hours.

Three terms are to be organized throughout the year. Courses shall therefore start three times a year: in January (winter session), in April (spring session) and in September (autumn session).

Flexibility is required from the contractor with regard to requests for intensive courses.
The level of the courses shall depend on participant's needs and availability.

b) Individual intensive courses

Upon EMSA's request and in order to cover specific needs, the contractor shall set up individual intensive language courses.

Significant flexibility shall be required from the contractor with regard to ad-hoc requests for individual intensive courses. The course design and frequency shall be assessed depending on the participants' needs and availability.

These courses should foresee the possibility to be broken down in individual units or slots of 12 units. One 1 unit equals 60 minutes.

A system of unit credits (1 lesson/1 credit) shall be created by EMSA and the contractor.

EMSA may order by single credits or a group of 12 individual lessons.

Upon EMSA's request such credits/lessons may be allocated freely between staff members within the same language.

Credits ordered by EMSA which are not consumed under the relevant Order Form shall not be invoiced by the contractor.

Lot 1: Portuguese language training

Portuguese courses shall be provided for EMSA staff and their recognised partners. The objective is to provide participants sufficient linguistic knowledge in order to enable them to familiarise themselves with the Portuguese language and in some cases to achieve the at least B2 CEFR level.

Teachers must be native Portuguese speakers or to mother tongue standard.

Lot 2: French language training

French courses shall be provided for EMSA staff, with the objective of providing participants sufficient linguistic knowledge in order to enable them to familiarise themselves with the French language and in some cases to achieve at least the B2 CEFR level.

Teachers must be native French speakers or to mother tongue standard.

Lot 3: German language training

German courses shall be provided for EMSA staff, with the objective of providing participants sufficient linguistic knowledge in order to enable them to familiarise themselves with the German language and in some cases to achieve the at least B2 CEFR level.

Teachers must be native German speakers or to mother tongue standard.

Lot 4: English language training

English courses (Level B1 and above) shall be provided to EMSA staff taking into account the development of oral and written communication.

- a) Oral communication – The objective is to develop staff members' language abilities and knowledge in order to give oral presentations more effectively, participate in meetings and negotiate in a professional context.
- b) Written communication – The objective is to provide the participants with improved drafting skills and better written communication (i.e: Reports, emails, Notes).

Teachers must be native English speakers or to mother tongue standard.

2.2 What EMSA provides

Rooms with technical equipment to support training courses are available at EMSA and, if needed, additional equipment could be provided if requested by the training contractor and submitted to EMSA well in advance.

Courses shall normally take place at EMSA's premises in Lisbon. When applicable and prior to EMSA's consent, in the case of a small number of participants (e.g. training only for one staff member), trainings may be held in an open course delivered at a different location suggested by the contractor or through online or /and distance learning tools, if available and/or requested.

3. Contract management responsible body

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

A project officer shall be assigned by EMSA to the management of each contract.

4. Timetable

The contract is expected to be signed towards the end of the year 2017. Courses and other requested services shall be ready for delivery as from contract signature by EMSA.

5. Estimated Value of the Contract

The successful tenderer(s) shall be awarded a framework contract for a period of 48 months, starting from the date of signature. The services shall be implemented through Order Forms depending on EMSA's demand. The estimated maximum budget available for these contracts is € 250.000 (Euro) excluding VAT (all lots included), over a maximum period of 4 years covering all services such as lessons per language and tests, i.e. entry tests, certificates of attendance and other related services agreed between EMSA and the contractor.

The estimated contract value per lot:

- Lot 1 – Portuguese Language Training - €100.000;
- Lot 2 – French Language Training - €80.000;
- Lot 3 – German Language Training - €50.000;
- Lot 4 - English Language Training - €20.000.

6. Terms of payment

Payments shall be issued in accordance with the provisions of the draft service framework contracts available in the Procurement Section under the call to tender EMSA/OP/06/2017 on EMSA's website (www.emsa.europa.eu).

A training report with the details mentioned under point 2.1, shall be required from the contractor when sending the invoice.

7. Terms of contract

When drawing up a bid, the tenderer should bear in mind the terms of the draft 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 perform the work in co-operation with other partners he shall indicate in his offer which part shall be subcontracted, as well as the name and qualifications of the subcontractor or partner. It should be noted that the overall responsibility for the work remains with the tenderer.

The tenderer must provide required evidence for the exclusion and selection criteria on its own behalf and, when applicable, on behalf of its subcontractors. The evidence for the selection criteria on behalf of subcontractors must be provided where the tenderer relies on the capacities of subcontractors to fulfil selection criteria². The exclusion criteria shall be assessed in relation to each economic operator individually. Concerning the selection criteria, the evidence provided shall be checked to ensure that the tenderer and its subcontractors as a whole fulfil the criteria.

² To rely on the capacities of a subcontractor means that the subcontractor shall perform the works or services for which these capacities are required.

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 shall preferably be submitted in English and shall in particular include an English version of the documents requested under points 12.5 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.³

The tenderer shall complete the Tenderer's Checklist available on this tenders' folder.

If the tenderer intends to either subcontract part of the work or realise the work in co-operation with other partners (Joint 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 letter** indicating the name and position of the person authorised to sign the contract and the bank account to 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, 12.2, 12.6** 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 **12.4** 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 **12.5** of these specifications.

³ Directive 2014/24/EU of the European Parliament and of the Council of 26 February 2014 on public procurement and repealing Directive 2004/18/EC (OJ L 94, 28.3.2014, p. 65).

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 **13** of these specifications.

Part E: Setting out **prices** in accordance with **point 10** of these specifications, using the relevant tables under Annex I (Proposal – Conditions and Cost Summary).

10. Price

Prices for Provision of Languages Training Services shall be quoted using the relevant Appendixes to the tender specifications:

- Appendix I - Lot 1 – Portuguese Language Training;
 - Appendix II - Lot 2 – French Language Training;
 - Appendix III - Lot 3 – German Language Training;
 - Appendix IV - Lot 4 - English Language Training;
- a) Prices for the Language Training Services for EMSA staff shall include information on the Regular Courses, Intensive Courses, Individual Courses, using the relevant template for the respective Lot, available under the Appendixes (Proposal – Conditions and Cost Summary);
- b) Failure to provide prices for any items may lead to a rejection of the bid;
- c) 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, etc.);
- d) Prices must be quoted in Euro;
- e) 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 (EC) No 1406/2002. 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.

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 shall be assessed in relation to each economic operator individually. Concerning the selection criteria the evidence provided by each member of the consortium shall be checked to ensure that the consortium as a whole fulfils the criteria.

If awarded, the contract shall 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 economic, financial and technical 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 and requested accompanying documentation, available in the Procurement Section (Legal Entity Form) 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.

12.3. Legal and regulatory capacity – Selection criteria

12.3.1. Requirements:

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

12.3.2. Evidence:

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

12.4. Economic and financial capacity – Selection criteria

12.4.1. Requirements:

- a) The tenderer must be in a stable financial position and must have the economic and financial capacity to perform the contract.

12.4.2. Evidence:

- a) Financial statements or their extracts for the last three years for which accounts have been closed;
- b) Statement of the overall turnover and, where appropriate, turnover relating to the relevant services for the last three financial years available;
- c) 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;
- d) 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 its economic and financial capacity by any other document which EMSA considers appropriate. In any case, EMSA must at least be notified of the exceptional reason and its justification in the tender. EMSA reserves the right to request at any moment during the procedure any other document enabling it to verify the tenderer's economic and financial capacity.

12.5. Technical and professional capacity – Selection criteria

12.5.1. Requirements:

- a) The tenderer shall have at least 3 years of expertise in organising and delivering language training services listed under Point 2;
- b) Trainers delivering the language training courses shall be qualified and shall have at least 3 years of experience in delivering language training courses listed under point 2 of the tender specifications;
- c) As English is the working language within the EMSA, trainers must also be able to give relevant instructions in English. Trainers shall have experience in delivering trainings to multicultural environments;
- d) The tenderers' experience in delivering to EU institutions and European public administration would be advantageous;

12.5.2. Evidence:

- a) A list of language training courses (maximum 2 pages) which the tenderer has provided in the past three years to different organisations (titles, level, format (Regular/Intensive/Individual) delivery dates, duration and type of recipient (private, public, national, international, etc...) to whom the courses were delivered. The list must include language training courses listed under Point 2 of the tender specifications;
- b) Tenderers shall provide with their bid, curricula vitae of the trainers who shall 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 language training courses (minimum of three years training experience) mentioned under Point 2 of the Tender Specifications. If applicable, experience in delivering language trainings to multicultural context to an English speaking audience shall be considered advantageous;

12.6. Declaration of Honour

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

13. Award criteria

The contract shall 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:

13.1. Quality of the proposed team ($W_1 = 25\%$)

- a) Number of trainers available (including back-ups) per course level and adequacy of their profile and experience in delivering the services requested under this tendering procedure;

13.2. Content, methodology, quality of the training material and organisation of trainings ($W_2 = 20\%$)

- a) Detailed statement (max. 1 page) of how the tenderer would endeavour to provide language training courses suitable for the needs of EMSA staff and its relevance to their private or working lives;
- b) Presentation of the approach and methodology used for language training (max. 3 pages per lot), as well as other tools or materials to be employed in the delivery the service. The possibility to use online and distance learning solutions shall be considered as advantageous;
- c) Description of the objectives and assessment criteria which the participants have to meet in order to pass to the next language level (max. 1 pages per language level);
- d) Description of the experiences and challenges in delivering language training to an international organisation private or public (max. 1 page) ;
- e) Sample of the training materials (max. 10 pages per lot);

13.3. Organisation of the training delivery ($W_3 = 15\%$);

- a) Definition of the procedures and policies for cancellation, postponement and substitution of participants (e.g.: deadlines, cancellation and postponement fees, etc.) (max. 2 pages);
- b) Definition of the procedures to monitor participants attendance and continuity of services (max. 1 page) ;
- c) A description of the measures employed to ensure the quality of services and participants support during and after of the courses (Maximum 2 pages);
- d) Description of the services delivered before, during and after the training is provided (e.g. dedicated account manager, online registration and others, if available);
- e) Minimum response time, which would be required to deliver the regular, intensive or private courses listed under point 2 of the tender specifications at EMSA Headquarters;

and the price criterion and associated weighting:

13.4.Price (Tables under Appendixes – Proposal – Conditions and Cost Summary) ($W_{\text{Price}} = 40\%$):

The price of the bid shall be calculated as follows:

- A subtotal shall be calculated by the sum of all prices for each type of course (Regular, Intensive (Classroom and Individual)), divided by the number of items/levels;
- The price of the bid shall be calculated by making an average of the subtotals and the type of courses requested.

For all bids evaluators shall 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 , a minimum of 60% for Q_3 shall 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 shall be taken into consideration for awarding the contract.

14. Rejection from the procedure

Contracts shall 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 to these rights have been or shall 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.

16. Appendixes – Price Quotation

Appendixes – Proposals – Conditions and Cost Summary

- Appendix I - Lot 1 – Portuguese Language Training;
- Appendix II - Lot 2 – French Language Training;
- Appendix III - Lot 3 – German Language Training;
- Appendix IV - Lot 4 - English Language Training;