

## Tender Specifications

### Attached to the Invitation to tender

## Invitation to tender No. EMSA/NEG/10/2018 for EMSA building stone façade cleaning and sealing

### 1. Introduction

The European Maritime Safety Agency (EMSA) was established under Regulation (EC) No 1406/2002 of the European Parliament and of the Council<sup>1</sup> for the purpose of ensuring a high, uniform and effective level of maritime safety.

### 2. Objective, scope and description of the contract

The objective of this call for tender is the acquisition of specialised cleaning and sealing services, in particular: high pressure cleaning, removal of moulds (fungus), sealing the stone building façade and courtyards' stone flooring, as well as associated services, e.g. industrial rope access techniques and/or lift appliances, if applicable, supply of cleaning products, transportation of personnel, equipment and products, respective insurances, and warranty, for the EMSA premises located at Praça Europa 4, 1249-206, Lisbon, Portugal.

The Contractor shall provide:

- High pressure cleaning using cold water with pressure and a high flow rate (high pressure cleaning technique), on all surface of the building stone façade and courtyards' stone flooring, using a dilute cleaning solution with water and hypochlorite, and rinse the total surface with clean water. Mechanical tools and powered equipment (rotary abrasive disc), or cleaning abrasive techniques that may cause erosion and vibration on the stone panels, will not be accepted.
- Treatment of areas affected by moulds, using a sodium hydroxide based cleaning product, with fungicides and algicidal properties, and rinse the total surface with clean water.
- Sealing all surface of the building stone façade and courtyards' stone flooring, by applying a sealant product with the following properties: colourless, water-repellent, silicone resins based, resistant to alkaline environment and to UV rays.
- Protection of the working area;
- Obtaining any required authorisations from the City Hall for the use of public space (*Licença ocupação de via pública*)
- Supply of all necessary appliances and/or lift systems supporting execution of works on high levels;
- Transportation of all personnel, equipment, and products used;
- Supply of all required equipment for high pressure cleaning and chemical products' application, their assembly and dismantling;
- Supply of all necessary products;
- Final cleaning operation;

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<sup>1</sup> 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.).

- All applicable insurances, in particular in terms of safety measures and safety at work;
- Undertake liability for any damage caused by works or cleaning process to EMSA or a third party;
- Warranty, minimum one year;
- If applicable, in case of industrial climbers service - means of accredited safe systems that can be implemented and removed rapidly, compatible with Portuguese and European legislation applicable for those techniques, namely Personal Protective Equipment (PPE) and Work at Height Regulations and Health and Safety;
- Implementation of the contract in such a way as not to impede the proper functioning of EMSA taking into account working hours of the Agency and the external public areas.

Cleaning of the windows is not included in the scope of the works requested.

The estimated area of EMSA's the stone building façade is 3750m<sup>2</sup> and of the courtyards' stone flooring is 450m<sup>2</sup>, the estimated area affected by mould is 15% of the total area. Plans of elevations and photos of EMSA's building will be made available upon request to the dedicated e-mail address [neg102018@emsa.europa.eu](mailto:neg102018@emsa.europa.eu). An on-site visit/information meeting is planned for 20 April 2018 at the following address: European Maritime Safety Agency, Praça Europa 4, 1249-206, Lisbon, Portugal. To schedule an on-site visit, an e-mail shall be sent to the dedicated e-mail address: [neg102018@emsa.europa.eu](mailto:neg102018@emsa.europa.eu) no later than 18 April 2018.

### 3. Contract management responsible body

EMSA Unit A.2 in charge of Legal, Financial & Facilities Support - will be responsible for managing the contract.

### 4. Project Planning

Implementation is foreseen for May 2018. If, due to adverse weather conditions implementation is not possible by this date, the contract shall nonetheless be implemented within 12 months from its signature, upon EMSA indication.

### 5. Timetable

The estimated date for signature of the contract is May 2018.

### 6. Estimated Value of the Contract

The maximum budget available for this contract is EUR 40000 excluding VAT.

### 7. Terms of payment

Payments will be made in accordance with the provisions of the draft **Service Contract** available in the Procurement Section under the call to tender **EMSA/NEG/10/2018** on EMSA's website ([www.emsa.europa.eu](http://www.emsa.europa.eu)).

### 8. Terms of contract (purchase order)

When drawing up a bid, the tenderer shall bear in mind the terms of the draft Service Contract.

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

## 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<sup>2</sup>. 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.<sup>3</sup> However, the selection criteria may apply individually where it is relevant in view of their nature.

## 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 shall 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.<sup>4</sup>

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 Identification Form completed**, signed and stamped. This document is available on the Procurement Section (Financial Identification Form) of EMSA's website ([www.emsa.europa.eu](http://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](http://www.emsa.europa.eu))

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

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<sup>2</sup> To rely on the capacities of a subcontractor means that the subcontractor will perform the works or services for which these capacities are required.

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

<sup>4</sup> 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).

case the tenderer shall 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, 12 and 13.2 of these specifications (exclusion criteria).

**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 13.4 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 11 of these specifications.

## 11. Price

- a) Price must be quoted for EMSA building stone façade cleaning and sealing and shall be all inclusive for specialised cleaning and sealing services, in particular: high pressure cleaning, removal of moulds (fungus), and sealing the stone building façade and courtyards' stone flooring, as well as associated services, e.g. industrial rope access techniques and/or lift appliances, if applicable, supply of cleaning products, transportation of personnel, equipment and products, respective insurances, and warranty. **The Appendix "Financial Proposal" must be included in the bid.**
- 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. However, the selection criteria may apply individually where it is relevant in view of their nature.

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 tenderer 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](http://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 EU or national laws or regulations;
- b) it is subject to a final judgement or a final administrative decision establishing that the person or entity is in breach of its obligations relating to the payment of taxes or social security contributions in accordance with the applicable law;
- c) it is subject to a final judgement or a final administrative decision establishing that the person or entity is guilty of grave professional misconduct by having violated applicable laws or regulations or ethical standards of the profession to which the person or entity 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 or entities with the aim of distorting competition;
  - iii. violating intellectual property rights;
  - iv. attempting to influence the decision-making process of the authorising officer responsible 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 or entity 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 or entity has shown significant deficiencies in complying with the main obligations in the performance of a contract financed by the Union's budget;

- f) it is subject to a final judgement or a final administrative decision establishing that the person or entity 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 candidate is subject to:
  - i. facts established in the context of audits or investigations carried out by the Court of Auditors, European Anti-Fraud Office or internal audit, or any other check, audit or control performed under the responsibility of an authorising officer;
  - 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 entities and persons implementing Union funds pursuant to point (c) of Article 61(1) of the Financial Regulation or of entities implementing the budget pursuant to Article 62 of the Financial Regulation;
  - 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.

#### 13.3.2 Evidence

Not applicable.

### 13.4 Technical and professional capacity – Selection criteria

#### 13.4.1 Requirements

The tenderer must have the capacity to supply high pressure cleaning service as requested in these tender specifications, including all necessary equipment, products, safety measures, and insurances compatible with the applicable Portuguese and European legislation.

#### 13.4.2 Evidence

- a) Documentation on Personal Protective Equipment (PPE) and Work at Height Regulations and Health and Safety;
- b) Documentation on insurances in place during the performance of the contract;
- c) List of equipment, accessories, and chemical products to be used during the performance of the contract;
- d) List of the principal services provided in the past two years with type of service, date, and name of client.

## 14. Declaration of Honour (DoH)

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

## 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:

1. Quality criterion 1 ( $W_1 = 30\%$ ), Proposed methodology, including all requested services, organisation of the team, and proposed timelines for implementation.
2. Quality criterion 2 ( $W_2 = 20\%$ ), Proposed warranty (one year minimum).

and the price criterion and associated weighting:

3. Price of the bid ( $W_{Price} = 50\%$ ). The Appendix "Financial Proposal" must be included in the bid.

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

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

Only bids that have reached a minimum of 70 % for  $Q_1$ , and a minimum of 70 % for  $Q_2$ , 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.

## 16. 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 used in the award procedure where this entails a breach of the principle of equality of treatment, including distortion of competition that cannot be remedied otherwise.

## 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 shall be clearly pointed out by the tenderer in the tender. Information shall be provided about the scope of pre-existing rights, their source and when and how the rights have been or will be acquired.

In the tender all quotations or information originating from other sources and to which third parties may claim rights have to be clearly marked (source publication including date and place, creator, number, full title etc.) in a way allowing easy identification.



**Appendix “Financial Proposal”**

Item	Total Price
Cleaning and sealing of EMSA's exterior stone façade and courtyards' stone flooring, as described in Point 2 of the Tender Specifications, in particular: high pressure cleaning, removal of moulds (fungus), and sealing the stone building façade and courtyards' stone flooring, as well as associated services, e.g., industrial rope access techniques and/or lift appliances, if applicable, supply of cleaning products, transportation of personnel, equipment and products, respective insurances, and warranty.	